

The inspection report calls Randolph a "poor training ground for future pilots."

"The instructor pilots at Randolph are sick of high 'OPTEMPO' [operational tempo]," says the memo. "Most said that they came to Randolph as a three-year break from being gone from home too much on deployment. Most of the pilots also said that they will be getting out of the Air Force as soon as their commitment is over."

"The pilots liked the quality of the mid-level leadership, but totally disliked their senior leadership. They stated that they did not trust senior leadership and that things are getting worse. In general they felt they were lied to, betrayed and treated very poorly."

Officers at the 940th Air Refueling Squadron complained of excessive training.

"Everyone complained that the number of days of mandatory training per year should be capped and purged of everything that is not mission essential or job critical," the memo said. "All of the politically correct, brainwashing, propaganda and white laboratory mouse training should be purged from the curriculum."

Mr. INHOFE. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for about 5 minutes as in morning business.

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

Mr. WELLSTONE. I thank the Chair and thank my colleague from West Virginia.

The PRESIDING OFFICER. The Senator from Minnesota.

#### THE BUDGET AGREEMENT

Mr. WELLSTONE. Mr. President, just a few thoughts about the budget agreement. There is still a lot of drafting going on, so to a certain extent I think all of us are at a little bit of a disadvantage in that we have not seen all of the specifics, but I would like to raise a couple of questions about this agreement, and I raise these questions given what I think is the important standard of fairness.

First of all, I hope that all Senators, Democrats and Republicans, will have before them the distributional data, that is to say some understanding as to who will benefit from these tax cuts, before we are asked to vote on the tax-cut part of this bill. It seems to me this is kind of a prerequisite for good public policy. I remain very skeptical that, indeed, these tax cuts, when you look at who is really going to benefit with each passing year, will not disproportionately go to those people who are least in need of any assistance. At the same time, I see a tradeoff that seems quite unacceptable. Every single time it looks like low-income and moderate-income families get the short end of

the stick. I think we should set the bar at a higher level, and I think those families should count. Let me just give but a couple of examples.

Mr. President, the child credit, we are now hearing from the White House, will go to families with incomes under \$30,000 a year or under \$28,000 a year, the argument being that, indeed, these families pay Social Security taxes and they should receive a child credit as well as those families with incomes over \$30,000 a year. But, as it turns out, families with incomes under \$16,000 a year are not going to receive any child care credit. I have had a chance to travel some around the country and visit with poor children, visit with low-income families. I don't understand how in the world we could be talking about fairness if, in fact, those families are not going to receive any of the child care credits, those families most in need.

Another example is on the higher education piece. I have said this over and over again, and I hope I am wrong, but I don't think I am. I was a teacher for 20 years. I spent a lot of time at the community colleges. Mr. President, if the tax credits are not refundable, then those students or those families with incomes under \$28,000 a year or \$27,000 a year, that are not going to have any tax liability, they are not going to receive any of the assistance. So when it comes to those students who have been least able to afford higher education, they are still going to be waiting for some of this assistance.

Add to that some of the concerns that I think all of us have to have about the cuts or reductions in payment in Medicare and medical assistance, in particular those of us—and I come from such a State—where we have strong rural communities. We have to worry about the negative impact this is going to have on rural health care providers. If we don't have hospitals or clinics, then we are not able to deliver the care out in our communities. We have to have concerns about the disproportionate effect this is going to have on our children's hospitals and public hospitals that have received a disproportionate amount of medical assistance because they serve a disproportionate number of low-income and moderate-income people.

So, the question really becomes: Where is the standard of fairness if the tax cuts still, in the main, go to the very top of the economic population and at the same time the benefits don't go to many, many hard-pressed families? We have not invested, in this budget agreement, one penny in rebuilding crumbling schools. As it turns out, families with incomes under \$16,000, with children, receive no help by way of the child credit. Those students from families with incomes \$23,000, \$24,000, \$25,000 a year are not going to benefit from the Hope scholarship unless it's a refundable tax credit. We are not investing in the schools, and at the same time we don't even

have the distributional data on who exactly is going to benefit from these tax cuts.

So I count myself as a skeptical Senator. And if I was going to be voting today, I would vote against this package. I do not think it meets the Minnesota standard of fairness. I think we should do better.

Mr. President, I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, what is the pending business before the Senate?

#### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The pending business of the Senate is to resume consideration of Senate bill 1022.

The Senate continued with the consideration of the bill.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 995

Mr. GREGG. Mr. President, I ask unanimous consent that the yeas and nays on the Kyl amendment No. 995 be vitiated.

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

Mr. ABRAHAM. Mr. President, I rise in support of the amendment of my friend from Arizona.

As a preliminary matter, I should say that I would have hoped that this amendment would not be necessary. I do not believe there is any real difficulty in reconciling the provision from last year's omnibus appropriations bill prohibiting the use of judiciary's funds to pay for special masters appointed pre-PLRA with the PLRA's requirement that masters be paid only with such funds. I believe this can easily be done without violating the intent of the PLRA's authors, including my friend from Arizona and myself, that the PLRA's compensation and other requirements be applied to pre-PLRA masters.

The way to reconcile them is clear: the court can either proceed without a special master, or it can appoint a new one—or reappoint an old one—in the manner specified by the PLRA, thereby making the master eligible for payment under the terms of last year's rider. Indeed, in a discussion at the end of the last Congress, the distinguished chairman of the CSJ Appropriations Subcommittee and I agreed that this was the intended interpretation of the appropriations provision.

Nevertheless, some courts have instead used this provision as one basis for concluding that the compensation requirements, and even special masters provisions other than the compensation requirements, do not apply to masters appointed pre-PLRA, or even in some instances to masters appointed post-PLRA in pre-PLRA cases.

Let's look at the continuing saga of the Rikers Island jail in the Benjamin versus Jacobson case. The basic issue there is whether, as a result of the PLRA, the court will allow Rikers to store its mops right side up or upside down, and whether the jail has to use Borax in a particular concentration to clean certain public areas or whether it should be allowed to use a different concentration, or even a different detergent. Or to put the question a little more seriously, the issue there is whether within the constraints of the Constitution, New York City will be allowed to run its jail according to what it, rather than an unelected special master, believes is sound prison policy.

This year, Judge Baer—whose earlier handling of the central aspects of this case was frankly a model of judicial restraint—issued an order requiring New York City to continue to fund the special master's office at approximately \$275,000 a year, pay for office space, and provide a car and a parking space. The order even specified that the car had to be of a certain type and quality.

Judge Baer had earlier held that the PLRA required dissolution of the consent decree that had been governing Riker's for years, but the court of appeals stayed that order pending appeal. Thus, the order retaining the special master on the old terms was issued in a case that predated the PLRA, but where it was clear by its own terms that the order appointing the master had expired. Moreover Judge Baer had previously upheld the constitutionality and retroactivity of the other provisions of the act.

For all these reasons one would have thought it clear that even if last year's prohibition were construed to allow the court to impose the costs of pre-PLRA-appointed masters on the States, the act's limitations on special masters should be applied to the reappointment of this one. Nevertheless, without holding the special masters limitations unconstitutional, Judge Baer simply declined to follow them on the theory that the court of appeals stay of his original order upholding the other provisions of the PLRA was a mandate for him to preserve the status quo in all respects.

I think the real lesson of this and many other decisions regarding the PLRA's limitations on prospective relief, as well as many of the decisions concerning the new habeas provisions, is that judges, like other human beings, tend to resist change. What, after all, is the old maxim that statutes in derogation of the common law shall be strictly construed, if not a fairly blunt statement that courts will

construe any ambiguity in favor of their own ways of doing things?

By clearing up what may seem to some an ambiguity, the amendment of my friend from Arizona removes one possible source of authority to which a court can turn in an effort to exercise broad powers through a special master while making the State or locality whose powers are being usurped foot the bill.

Accordingly, I am pleased to support his amendment.

Mr. LEAHY. Mr. President, this amendment applies to only a few States that have been found liable for violations of civil rights or constitutional rights of prisoners in their prisons before enactment of the Prison Litigation Reform Act of 1995. There are about 35 special masters supervising prison conditions that might be affected by this amendment, although the Administrative Office of the Courts expects that number to be reduced to 28 by October 1.

Why should Congress and Federal taxpayers be required to bail out these few States for their poor prison conditions, unconstitutional treatment, and history of noncompliance with their own consent decrees?

The Congressional Budget Office and Administrative Office of the Courts estimate that this amendment will cost the Federal Treasury about \$3 million this year. Why should U.S. taxpayers bail out a few States for one of the costs of bringing their state prison conditions up to constitutional standards? Will we next be asked to pay for the other remedial aspects of the decrees that have been agreed to by State officials? If States want flexibility to use some of the billions of dollars for prisons that the Federal Government has made available to the States since passage of the Violent Crime Control and Law Enforcement Act of 1994 to help defray these costs and expenses, I would support that.

This amendment raise constitutional concerns because it retroactively and statutorily seeks to overturn consent decrees where States have agreed to foot the bill for a special master to monitor their poor prison conditions and implementing remedies to bring them up to constitutional standards. Why should Congress overturn decrees already agreed to by the States involved in these lawsuits over poor prison conditions? Why should Congress intervene when these matters are already being reviewed by newly assigned judges in these cases?

The Prison Litigation Reform Act, which was included in last year's omnibus spending bill, has been construed by the courts not to be retroactive in order for it not to be held unconstitutional. This amendment crosses that line and seeks to extend certain questionable provisions of that law back in time and have them apply to cases that it was not designed or intended to cover. It will lead to additional constitutional challenges.

This amendment would bail out a few States by taking money from the Federal Judiciary's administrative account. That account pays for improvements in computers in courtrooms, teleconferencing, and other services that make the administration of justice more effective and efficient. Why are we taking money away from improving the administration of justice to bail out these few States?

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment No. 995 offered by the Senator from Arizona be agreed to.

Mr. HOLLINGS. I will not object.

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

The amendment (No. 995) was agreed to.

#### AMENDMENT NO. 1034

Mr. GREGG. Mr. President, I ask unanimous consent that, notwithstanding the previous order, it be in order to send an amendment to the desk.

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

Mr. GREGG. Mr. President, I send the amendment to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1034.

Mr. GREGG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert:

Notwithstanding any other provision in this Act the amount for the Department of State "capital investment fund" shall be \$105,000,000.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1034) was agreed to.

Mr. GREGG. Mr. President, I suggest the regular order is the vote on final passage.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi, [Mr. COCHRAN] is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 206 Leg.]

#### YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Burns	Helms	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wellstone
Faircloth	Lieberman	Wyden

#### NOT VOTING—1

Cochran

The bill (S. 1022), as amended, was passed as follows:

#### S. 1022

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1998, and for other purposes, namely:

#### TITLE I—DEPARTMENT OF JUSTICE

##### GENERAL ADMINISTRATION

##### SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$79,373,000; of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and \$7,860,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1997: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and \$4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs.

##### COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, \$29,450,000 to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including

payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: *Provided*, That funds provided under this section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

##### ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, \$20,007,000.

##### VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, \$59,251,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$33,211,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

##### UNITED STATES PAROLE COMMISSION

##### SALARIES AND EXPENSES

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

##### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; \$437,178,000; of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed \$24,555,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That not to exceed 4 permanent positions and 5 full-time equivalent workyears and \$470,000 shall be expended for the Office of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986 as amended, not to exceed \$4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

##### VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, \$7,969,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

##### SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$82,447,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$70,000,000 of offsetting collections derived from fees collected for pre-merger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than \$12,447,000: *Provided further*, That any fees received in excess of \$70,000,000 in fiscal year 1998, shall remain available until expended, but shall not be available for obligation until October 1, 1998.

##### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental and cooperative agreements, \$986,404,000; of which not to exceed \$2,500,000 shall be available until September 30, 1999, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That not to exceed \$8,000,000 for the design, development, and implementation of an information systems strategy for D.C. Superior Court shall remain available until expended: *Provided further*, That not to exceed \$2,500,000 for the operation of the National Advocacy Center shall remain available until expended: *Provided further*, That not to exceed \$10,000,000 shall remain available until expended to support Violent Crime Task Forces in United States Attorneys Offices, of which \$5,000,000 shall be available for the expansion of several existing Task Forces into regionally-diverse demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes, including bank robbery and carjacking, and drug trafficking: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,652 positions and 8,936 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

##### VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d) and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public

Law 104-132), \$46,128,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which \$11,408,000 shall be available for Southwest Border Control and \$9,747,000 for expeditious deportation of denied asylum applicants.

#### UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), \$116,721,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That notwithstanding any other provision of law, \$116,721,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the Fund estimated at \$0: *Provided further*, That any such fees collected in excess of \$116,721,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

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

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

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

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, \$471,786,000, as authorized by 28 U.S.C. 561(i); of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and not to exceed \$2,200,000 to support the Justice Prisoner and Alien Transportation System, shall remain available until expended: *Provided*, That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102: *Provided further*, That not to exceed 6 permanent positions and 6 full-time equivalent workyears and \$350,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

#### VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, \$25,553,000, to remain

available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

#### FEDERAL PRISONER DETENTION

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

#### FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$75,000,000, to remain available until expended; of which not to exceed \$4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed \$1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$4,000,000 may be made available for the purchase, installation and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

#### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, \$5,319,000: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to this paragraph shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### ASSETS FORFEITURE FUND

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

#### RADIATION EXPOSURE COMPENSATION

##### ADMINISTRATIVE EXPENSES

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

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

For payments to the Radiation Exposure Compensation Trust Fund, \$4,381,000.

#### INTERAGENCY LAW ENFORCEMENT

##### INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$294,967,000, to remain available until expended: *Provided*, That any amounts obligated from appropriations under this

heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

#### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,094 passenger motor vehicles, of which 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; \$2,837,268,000, of which not to exceed \$50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed \$1,000,000 for undercover operations shall remain available until September 30, 1999; of which not less than \$257,601,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed \$84,400,000 for the automation of fingerprint identification services and related costs and not to exceed \$14,000,000 for research and development related to investigative activities shall remain available until expended; and of which not to exceed \$10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which \$1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: *Provided*, That not to exceed \$60,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed 59 permanent positions and 59 full-time equivalent workyears and \$5,470,000 shall be expended for the Office of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

#### VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) as amended ("the 1994 Act"), and the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"), \$179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which \$102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; \$57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act; \$4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; \$9,500,000 shall be

for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and \$5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act: *Provided*, That notwithstanding any other law relating to employee classification, pay, and performance, the Director, Federal Bureau of Investigation may, with the approval of the Attorney General, design and implement a system of personnel management providing for the classification, pay, and performance of non-Senior Executive Service employees of the Federal Bureau of Investigation. Except as otherwise provided by law, no employee compensated under this system may be paid in excess of the rate of basic pay payable for Level IV of the Executive Schedule. Payments to employees under this system shall be subject to the limitation on payments to General Schedule employees set forth in section 5307 of title 5, United States Code.

#### CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$59,006,000, to remain available until expended.

#### DRUG ENFORCEMENT ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; \$639,265,000, of which not to exceed \$1,800,000 for research and \$15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement, retrofit and parts, shall remain available until September 30, 1999; and of which not to exceed \$50,000 shall be available for official reception and representation expenses: *Provided*, That not to exceed 29 permanent positions and 29 full-time equivalent workyears and \$2,134,000 shall be expended for the Office of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

#### VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public

Law 103-322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), and for the purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year, \$441,117,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

#### CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$10,500,000, to remain available until expended.

#### IMMIGRATION AND NATURALIZATION SERVICE SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,574, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint INS and United States Marshals Service's Buffalo Detention Facility; \$1,430,199,000, of which not to exceed \$400,000 for research shall remain available until expended; of which not to exceed \$5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed \$5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That the Attorney General may reallocate to the INS training program from other INS programs such amounts as may be necessary for direct expenditure for immigration officer basic training: *Provided further*, That none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used to accept, process, or forward to the Federal Bureau of Investigation any FD-258 fingerprint card, or any other means used to transmit fingerprints, for the purpose of conducting a criminal background check on any applicant for any benefit under the Immigration and Nationality Act unless the applicant's fingerprints have been taken by an office of the Immigration and Naturalization Service or by a law enforcement agency, which may collect a fee for the service of taking and forwarding the fingerprints: *Provided further*, That none of the funds available to the INS shall be available to pay any employee overtime pay in an amount in excess of \$25,000 during the calendar year beginning January 1, 1998, except in such instances when the commissioner determines that enforcing this overtime provision would harm enforcement activities: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$5,000 shall be

available for official reception and representation expenses: *Provided further*, That the Land Border Fee Pilot Project scheduled to end September 30, 1996, is extended hereafter, for projects on both the northern and southern borders of the United States, except that no pilot program may implement a universal land border crossing toll: *Provided further*, That not to exceed 20 permanent positions, of which not less than 11 permanent positions are caseworkers, and 20 full-time equivalent workyears and \$1,737,000 shall be expended for the Office of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

#### VIOLENT CRIME REDUCTION PROGRAMS

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

#### CONSTRUCTION

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

#### FEDERAL PRISON SYSTEM SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 834, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments; \$2,933,900,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$90,000,000 for the activation of new facilities shall remain available until September 30, 1999: *Provided further*, That of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into

contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

#### VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, \$6,135,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

#### BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; \$267,833,000, to remain available until expended, of which not to exceed \$14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That of the total amount appropriated, not to exceed \$2,300,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

#### FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

#### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,042,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

#### OFFICE OF JUSTICE PROGRAMS

##### JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the

Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, \$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.

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, \$451,500,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102-534 (106 Stat. 3524), of which \$75,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, of which \$6,200,000 shall be for the National Center for Missing and Exploited Children, of which \$2,000,000 shall be for National Neighborhood Crime and Drug Abuse Prevention Programs, of which \$2,097,000 shall be available to the Executive Office of United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center, of which \$100,000 shall be available for a grant to Roberts County, South Dakota, for establishment of a 911 emergency system; and of which \$900,000 shall be available for a grant to the South Dakota Division of Criminal Investigation for the procurement of equipment for law enforcement telecommunications, emergency communications, and the State forensic laboratory.

#### VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); \$2,154,650,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which \$503,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, of which \$25,000,000 shall be for grants to States for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors: *Provided*, That of the amount made available for Local Law En-

forcement Block Grants under this heading, \$10,000,000 shall be for the Community Policing to Combat Domestic Violence Program established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968: *Provided further*, That for the purpose of eligibility for the Local Law Enforcement Block Grant Program in the State of Louisiana, parish sheriffs and district attorneys are to be considered the unit of local government under section 108 of H.R. 728: *Provided further*, That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further*, That \$2,400,000 of this amount shall be for discretionary grants for State and local law enforcement to form specialized cyber units to investigate and prevent child sexual exploitation: *Provided further*, That \$20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; of which \$45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which \$128,500,000 shall be available as authorized by section 1001 of title I of the 1968 Act to carry out the provisions of subpart 1, part E of title I of the 1968 Act notwithstanding section 511 of said Act for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which \$350,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which \$740,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which \$150,000,000 shall be available for payments to States for incarceration of criminal aliens, of which \$35,000,000 shall be available for the Cooperative Agreement Program, and of which \$5,000,000 shall be reserved by the Attorney General for fiscal year 1998 under section 20109(a) of subtitle A of title II of the 1994 Act; of which \$7,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which \$2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which \$160,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act; of which \$59,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which \$25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which \$7,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which \$1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which \$2,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which \$61,200,000 shall be for grants for residential substance abuse treatment for State prisoners as authorized by section 1001(a)(17) of the 1968 Act; of which \$15,000,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which



\$900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which \$3,800,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which \$40,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which \$1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; and of which \$2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens as authorized by section 250005(3) of the 1994 Act: *Provided further*, That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: *Provided further*, That section 20105(c) of subtitle A of title II of the 1994 Act (42 U.S.C. 13705(c)) is amended to read as follows "Notwithstanding any other provision of this subtitle, States may use grant funds to build or expand State or local juvenile correctional facilities and boot camps, for violent and non-violent juvenile offenders.

#### WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, \$33,500,000, which shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

#### COMMUNITY ORIENTED POLICING SERVICES

##### VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act") (including administrative costs), \$1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: *Provided*, That not to exceed 270 permanent positions and 228 full-time equivalent workyears and \$24,669,000 shall be expended for program management and administration.

In addition, for activities authorized by the 1994 Act, \$40,000,000 for the Police Corps program to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

#### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by

the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$230,922,000, to remain available until expended, as authorized by section 299 of part I of title II, as amended by Public Law 102-586, of which (1) notwithstanding any other provision of law, \$5,922,000 shall be available for expenses authorized by part A of title II of the Act, \$86,500,000 shall be available for expenses authorized by part B of title II of the Act, and \$29,500,000 shall be available for expenses authorized by part C of title II of the Act; (2) \$12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) \$10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) \$12,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) \$75,000,000 shall be available for the Anti-Truancy, School Violence and Crime Intervention Program.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$4,500,000, to remain available until expended, as authorized by sections 214B of the Act.

#### JUVENILE BLOCK GRANTS

##### VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Juvenile Justice Block Grant Program, \$145,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: *Provided*, That none of the funds appropriated or otherwise made available by this Act for "Juvenile Block Grants" may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act.

#### PUBLIC SAFETY OFFICERS BENEFITS

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

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

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

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

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly-advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of \$100,000 or more, up to a maximum of \$2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

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

SEC. 109. The Director, Federal Bureau of Investigation, is authorized to carry out a 2-year demonstration project showing the viability for the defensive arming of select non-agent personnel: *Provided*, That the Director, Federal Bureau of Investigation, may authorize to carry firearms not more than 50 non-agent investigative specialists assigned to special surveillance groups supporting investigations, counterintelligence and counterterrorism activities: *Provided further*, That personnel designated under this authority shall meet selection criteria established by the Director, Federal Bureau of Investigation, and successfully complete training for firearms proficiency, defensive tactics, and deadly force policy: *Provided further*, That personnel designated under this authority shall not be deemed law enforcement officers under Title 5, United States Code, for pay, retirement, position classification, or other purposes: *Provided further*, That the Director, Federal Bureau of Investigation, shall submit to the Committees on the Judiciary of both the House and the Senate, by March 31, 1999, a report on the viability of the defensive arming demonstration project along with recommendations for permanent authority for non-agent personnel or discontinuance of the demonstration project.

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

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

(b) in section 286(r) by—

(1) adding "and amount described in section 245(i)(3)(b)" after "recovered by the Department of Justice" in subsection (2);

(2) replacing "Immigration and Naturalization Service" with "Attorney General" in subsection (3); and

(3) striking subsection (4), and replacing it with, "The amounts required to be refunded from the Fund for fiscal year 1998 and thereafter shall be refunded in accordance with estimates made in the budget request of the

President for those fiscal years. Any proposed changes in the amounts designated in such budget requests shall only be made after Congressional reprogramming notification in accordance with the reprogramming guidelines for the applicable fiscal year.”; and

(c) in section 245(i)(3)(B), by replacing “Immigration Detention Account established under section 286(s)” with “Breached Bond/Detention Fund established under section 286(r)”.

SEC. 111. Section 506(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (8 U.S.C. 1182 note, 1255 note) is amended by deleting everything after “1994”.

SEC. 112. (a) SHORT TITLE.—This section may be cited as the “Philippine Army, Scouts, and Guerilla Veterans of World War II Naturalization Act of 1997”.

(b) IN GENERAL.—Section 405 of the Immigration and Nationality Act of 1990 (8 U.S.C. 1440 note) is amended—

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

“(B) who—

“(i) is listed on the final roster prepared by the Recovered Personnel Division of the United States Army of those who served honorably in an active duty status within the Philippine Army during the World War II occupation and liberation of the Philippines,

“(ii) is listed on the final roster prepared by the Guerilla Affairs Division of the United States Army of those who received recognition as having served honorably in an active duty status within a recognized guerilla unit during the World War II occupation and liberation of the Philippines, or

“(iii) served honorably in an active duty status within the Philippine Scouts or within any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946”;

(2) by adding at the end of subsection (a) the following new paragraph:

“(3)(A) For purposes of the second sentence of section 329(a) and section 329(b)(3) of the Immigration and Nationality Act, the executive department under which a person served shall be—

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

“(ii) in the case of an applicant claiming to have served in a recognized guerilla unit, the United States Department of the Army or, in the event the Department of the Army has no record of military service of such applicant, the General Headquarters of the Armed Forces of the Philippines; or

“(iii) in the case of an applicant claiming to have served in the Philippine Scouts or any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946, the United States executive department (or successor thereto) that exercised supervision over such component.

“(B) An executive department specified in subparagraph (A) may not make a determination under the second sentence of section 329(a) with respect to the service or separation from service of a person described in paragraph (1) except pursuant to a request from the Service.”; and

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

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

“(A) the processing of applications for naturalization, filed in accordance with the provisions of this section, including necessary interviews, shall be conducted in the Philippines by employees of the Service designated pursuant to section 335(b) of the Immigration and Nationality Act; and

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

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

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

(d) EFFECTIVE DATE; TERMINATION DATE.—

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

(2) TERMINATION DATE.—The authority provided by the amendments made by subsection (b) shall expire February 3, 2001.

SEC. 113. (a) Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

“(J) an immigrant—

“(i) who is present in the United States without having been admitted or paroled, or who has been paroled into the United States by the Attorney General specifically for the purpose of obtaining special immigrant status pursuant to this subparagraph;

“(ii)(I) who has been declared dependent on a juvenile court located in the United States if the dependency order is issued pursuant to a request made on behalf of the alien, the court notifies the Attorney General of the request for the order, and the Attorney General expressly consents to the court hearing the request; or

“(II) whom the juvenile court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care, except that while the alien is in the actual or constructive custody of the Attorney General, the court shall have jurisdiction to determine the custody status of the alien only if the Attorney General expressly consents to that jurisdiction; and

“(iii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; except that no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.”.

(b) ADJUSTMENT OF STATUS.—Section 245(h) of the Immigration and Nationality Act (8 U.S.C. 1255(h)) is amended by striking the period at the end and inserting the following:

“, unless the alien was paroled into the United States by the Attorney General specifically in order to apply for such special immigrant status. Nothing in this subsection or section 101(a)(27)(J) shall be construed to require the Attorney General to parole into the United States any alien specifically for this purpose.”.

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

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

(2) striking paragraph (1);

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

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

(b) Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by section (a) shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof and may be used by the Director of the Office for Victims of Crime to improve services for the benefit of crime victims, including the processing and tracking of criminal monetary penalties and related litigation activities, in the federal criminal justice system.

SEC. 115. Not to exceed \$200,000 of funds appropriated under section 1304 of title 31, United States Code, shall be available for payment pursuant to the Hearing Officer's Report in United States Court of Federal Claims No. 93-645X (June 3, 1996) (see 35 Fed. Cl. 99 (March 7, 1996)).

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

(1) in paragraph (1)—

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

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

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

“(2) DETERMINATION BY STATE BOARDS.—

“(A) IN GENERAL.—A determination that a person is a sexually violent predator or a determination that a person is no longer a sexually violent predator for purposes of this section shall be made by the sentencing court, after considering—

“(i) the recommendations of the appropriate State board or boards under subparagraph (B)(iii); or

“(ii) with respect to a State described in subparagraph (C), the recommendations of the State, which shall be made in accordance with the procedures described in that subparagraph.

“(B) STATE BOARDS.—

“(i) IN GENERAL.—Except as provided in subparagraph (C), not later than 2 years after the date of enactment of the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Improvements Act of 1997, each State shall establish 1 or more State boards in accordance with this subparagraph.

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

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

“(II) victims' rights advocates; and

“(III) representatives of law enforcement agencies.

“(iii) RECOMMENDATIONS.—Upon the request of a sentencing court, a State board established under this subparagraph shall make a recommendation to the sentencing court regarding whether a person is a sexually violent predator or whether a person is no longer a sexually violent predator for purposes of this section.

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

“(i) has established alternative procedures for making recommendations to a sentencing court for purposes of subparagraph (A); and



“(ii) will make a recommendation described in clause (i) with respect to any person, upon the request of the sentencing court.”.

(b) REQUIREMENTS UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—Section 170101(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)) is amended—

(1) in paragraph (1)—

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

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

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “or in the case of probation, the court” and inserting “a designated State agency, the court, or other responsible official”;

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

(iii) in clause (iii), by striking “shall register” and all that follows before the semicolon and inserting “shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence”;

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

(2) by striking paragraph (2) and inserting the following:

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

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

“(B) STATE PROCEDURES.—State procedures shall ensure that, as promptly as practicable—

“(i) the registration information is provided and made available to a law enforcement agency having jurisdiction where the person expects to reside;

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

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

(3) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by inserting after “(a)(1)” the following: “with respect to any person required to register under subsection (a)(1)(A), State procedures shall provide for verification of address not less than annually. Such verification may be effected by providing that.”;

(B) in clause (i), by striking “The designated State law enforcement” and inserting “A designated”;

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

(D) in clause (iii), by striking “to the designated State law enforcement agency”;

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

(4) in paragraph (4), by striking “section reported” and all that follows before the period at the end and inserting “section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is provided promptly to a law enforcement agency having jurisdiction over the location at which the person will reside and that the information is entered into the appropriate State records or data system”;

(5) in paragraph (5), by striking “shall register” and all that follows before the period at the end and inserting “and who moves to

another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided promptly to an agency responsible for registration in the new State, if that State requires registration”;

(6) by adding at the end the following:

“(7) OFFENDERS CROSSING STATE BORDERS.—

“(A) IN GENERAL.—

“(i) REGISTRATION UNDER LAWS OF CERTAIN STATES.—Any person who is required to register in that person’s State of residence under this section shall also register in accordance with the law that governs the registration, verification, and notification of sex offenders of each State in which that person is—

“(I) employed or carries on a vocation; or

“(II) enrolled as a student.

“(ii) DEFINITIONS.—In this subparagraph—

“(I) the term ‘employed or carries on a vocation’ includes employment that is full-time or part-time, for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit; and

“(II) the term ‘student’ includes any person who is enrolled on a full- or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education.

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

“(8) RELOCATING STATE PROBATIONERS AND PAROLEES.—

“(A) IN GENERAL.—Notwithstanding any conflicting terms of a probation, parole, or transfer agreement, any person who is serving a sentence of probation, parole, or other supervised release for conviction of an offense that requires registration under this section, and who is residing in any State other than the State in which that person was sentenced for that offense, shall register in accordance with the law of the State of residence of the offender that governs the registration and notification of sex offenders, regardless of any registration or notification obligation under the law of the State in which that person was sentenced for the offense.

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

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

“(ii) shall be guilty of an extraditable offense, for which a Federal warrant for unlawful flight to avoid prosecution is available.

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

“(i) shall ensure, during the course of verification of registration information, that each person who is required to register under this paragraph is notified of the requirements of this paragraph and the potential consequences of a failure to comply with those requirements; and

“(ii) whether the relocation of a sex offender described in this paragraph occurs under courtesy supervision or otherwise, shall—

“(I) notify the authority responsible for sex offender registration and notification in the State of relocation of the pending arrival of the offender in that State of relocation; and

“(II) provide the authority responsible for sex offender registration and notification in the State of relocation with information relating to the sex offender, including—

“(aa) the social security number, physical description, criminal record, terms of supervision, and any alias of the sex offender; and

“(bb) the address, telephone number, and any place of employment of the sex offender in the State of relocation.

“(9) REPORTING REQUIREMENT.—Not later than July 1, 1999, a State shall submit a report to the Attorney General that sets forth existing or proposed laws, including penalty provisions, regarding stalking crimes against individuals 16 years of age or younger.”.

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

(1) by striking “the designated” and all that follows through “State agency” and inserting “the State or any agency authorized by the State”;

(2) by inserting “to be disclosed only for criminal justice purposes” after “private data”; and

(3) by adding at the end the following: “The sale or exchange of such information for profit or remuneration is prohibited and shall be subject to prosecution under State law.”.

(d) IMMUNITY FOR GOOD FAITH CONDUCT.—Section 170101(e) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)) is amended by striking “and State officials” and inserting “independent contractors acting at the direction of those agencies, and State officials”.

(e) FEDERAL OFFENDERS AND MILITARY PERSONNEL.—Section 170102(g)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(g)(3)) is amended—

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

(2) by striking “A person” and inserting the following:

“(A) IN GENERAL.—A person”; and

(3) by adding at the end the following:

“(B) FEDERAL OFFENDERS.—

“(i) IN GENERAL.—A person who is released from prison, or placed on parole, supervised release, or probation—

“(I) who is convicted under Federal law of—

“(aa) a criminal offense against a victim who is a minor; or

“(bb) a sexually violent offense; or

“(II) who has been determined to be a sexually violent predator,

shall, in addition to complying with the registration requirement in paragraph (2), register in accordance with the law of the State of residence of that person.

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

“(C) MILITARY PERSONNEL.—

“(i) IN GENERAL.—

“(I) REGISTRATION UNDER LAWS OF STATE OF RESIDENCE.—A member of the Armed Forces of the United States who has—

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

“(bb) been convicted of a sexually violent offense; or

“(cc) been determined to be a sexually violent predator,

by a court of the United States, a court of a State, or a court-martial under the Uniform Code of Military Justice, shall register with the entities referred to in subclause (II).

“(II) ENTITIES.—The entities referred to in this subclause are—

“(aa) the FBI; and

“(bb) the State of residence of the member, and if different from the State of residence, the State in which the member is permanently assigned.

“(III) DETERMINATION OF STATE OF RESIDENCE.—For purposes of subclause (II)(bb), the State of residence of a member of the Armed Forces of the United States is—

“(aa) in the case of a member whose permanent duty station is in a State (including such a member who resides on a military installation or is serving aboard a vessel at sea), the State where the member resides whenever the member is present at that permanent duty station; and

“(bb) in the case of a member whose permanent duty station is outside the United States, the State of the member's home of record (as determined under regulations prescribed by the Secretary of the military department concerned).

“(ii) EFFECT OF FAILURE TO COMPLY.—A person who is required to register under this subparagraph and who knowingly fails to comply with this section may be punished—

“(I) under section 170102(i)(1);

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

“(III) in accordance with the applicable laws of the State with respect to which that person is registered.

“(iii) NOTIFICATION REQUIREMENTS.—The Secretary of Defense shall ensure that each member of the Armed Forces of the United States who is required to register under this paragraph is notified of the requirements of this paragraph and the potential consequences of a failure to comply with those requirements.”.

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

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

(1) by striking “300” and inserting “3,000”; and

(2) by striking “five years” and inserting “seven years”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall be deemed to have become effective on October 6, 1992.

SEC. 118. The Director of the United States Marshals Service shall provide a magnetometer and not less than one qualified guard at each entrance to the real property (including offices, buildings, and related grounds and facilities) that is leased to the United States as a place of employment for Federal employees at 625 Silver, S.W., in Albuquerque, New Mexico.

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

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

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

“(B)(i) The Administrator may exercise the authority under subparagraph (A) with

respect to such surplus real and related property needed by the transferee or grantee for—

“(I) law enforcement purposes, as determined by the Attorney General; or

“(II) emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.

“(ii) The authority provided under this subparagraph shall terminate on December 31, 1999.”.

SEC. 120. Of the amounts made available under this title under the heading “OFFICE OF JUSTICE PROGRAMS” under the subheading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE”, not more than 90 percent of the amount otherwise to be awarded to an entity under the Local Law Enforcement Block Grant Program shall be made available to that entity, if it is made known to the Federal official having authority to obligate or expend such amounts that the entity employs a public safety officer (as that term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide an employee who is public safety officer and who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are otherwise paid by the entity to a public safety officer at the time of retirement or separation.

SEC. 121. PUBLIC DISCLOSURE OF COURT APPOINTED ATTORNEYS' FEES.—Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

“(4) DISCLOSURE OF FEES.—

“(A) IN GENERAL.—Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court's approval of the payment.

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

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

“(ii) make public only the amounts approved for payment to defense counsel by dividing those amounts into the following categories:

“(I) Arraignment and or plea.

“(II) Bail and detention hearings.

“(III) Motions.

“(IV) Hearings.

“(V) Interviews and conferences.

“(VI) Obtaining and reviewing records.

“(VII) Legal research and brief writing.

“(VIII) Travel time.

“(IX) Investigative work.

“(X) Experts.

“(XI) Trial and appeals.

“(XII) Other.

“(C) TRIAL COMPLETED.—

“(i) IN GENERAL.—If a request for payment is not submitted until after the completion of the trial and subject to consideration of the defendant's interests as set forth in subparagraph (D), the court shall make available to the public an unredacted copy of the expense voucher.

“(ii) PROTECTION OF THE RIGHTS OF THE DEFENDANT.—If the court determines that defendant's interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

“(D) CONSIDERATIONS.—The interests referred to in subparagraphs (B) and (C) are—

“(i) to protect any person's 5th amendment right against self-incrimination;

“(ii) to protect the defendant's 6th amendment rights to effective assistance of counsel;

“(iii) the defendant's attorney-client privilege;

“(iv) the work product privilege of the defendant's counsel;

“(v) the safety of any person; and

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

“(E) NOTICE.—The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial, the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is an appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant's interests set forth in subparagraph (D) will be compromised.”.

SEC. 122. (a) Section 1(d) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(d)) is amended by inserting after “The term ‘agent of a foreign principal’” the following: “(1) includes an entity described in section 170(b)(1)(A)(vi) of the Internal Revenue Code of 1986 that receives, directly or indirectly, from a government of a foreign country (or more than one such government) in any 12-month period contributions in a total amount in excess of \$10,000, and that conducts public policy research, education, or information dissemination and that is not included in any other subsection of 170(b)(1)(A), and (2)”.

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

SEC. 123. The Administrative Office of the United States Courts, in consultation with the Judicial Conference, shall conduct a study of the average costs incurred in defending and presiding over Federal capital cases from the initial appearance of the defendant through the final appeal, and shall submit a written report to the Chairman and Ranking Members of the Senate and House Committees on Appropriations and the Judiciary on or before July 1, 1998, containing recommendations on measures to contain costs in such cases, with constitutional requirements.

SEC. 124. The Attorney General shall review the practices of United States Attorneys' Offices and relevant investigating agencies in investigating and prosecuting Federal capital cases, including before the initial appearance of the defendant through final appeal, and shall submit a written report to the Chairman and Ranking Members of the Senate and House Committees on Appropriations and the Judiciary on or before July 1, 1998, containing recommendations on measures to contain costs in such cases, consistent with constitutional requirements, and outlining a protocol for the effective, fiscally responsible prosecution of Federal capital cases.

SEC. 125. There shall be no restriction on the use of Public Safety and Community Policing Grants, authorized under title I of the 1994 Act, to support innovative programs to improve the safety of elementary and secondary school children and reduce crime on or near elementary or secondary school grounds.

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

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

SEC. 127. WAIVER OF CERTAIN VACCINATION REQUIREMENTS. (a) IN GENERAL.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

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

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

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

SEC. 129. REPORT ON COLLECTING DNA SAMPLES FROM SEX OFFENDERS. (a) DEFINITIONS.—In this section—

(1) the terms “criminal offense against a victim who is a minor”, “sexually violent offense”, and “sexually violent predator” have the meanings given those terms in section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a));

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

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

(A) has been convicted in Federal court of—

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

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

(b) REPORT.—From amounts made available to the Department of Justice under this title, not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include a plan for the implementation of a requirement that, prior to the release (including probation, parole, or any other supervised release) of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor or a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database.

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

(1) a system for—

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

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

(C) making the DNA and other genetic typing information available for law enforcement purposes only;

(2) guidelines for coordination with existing Federal and State DNA and genetic typing information databases and for Federal cooperation with State and local law in sharing this information;

(3) addressing constitutional, privacy, and related concerns in connection with the mandatory submission of DNA samples; and

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

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

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

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

(3) by adding at the end the following—

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

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

(b) Beginning on the date of enactment of this legislation, the discretionary spending limits contained in section 201 of H. Con. Res. 84 (One Hundred Fifth Congress) are reduced as follows—

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

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

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

(1) by striking the subsection heading and inserting the following:

“(f) SPECIAL MASTERS FOR CIVIL ACTIONS CONCERNING PRISON CONDITIONS.—”; and

(2) in paragraph (4)—

(A) by inserting “(A)” after “(4)”; and

(B) in subparagraph (A), as so designated, by adding at the end the following: “In no event shall a court require a party to a civil action under this subsection to pay the compensation, expenses, or costs of a special master. Notwithstanding any other provision of law (including section 306 of the Act 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, 1997,’ contained in section 101(a) of title I of division A of the Act entitled ‘An Act making omnibus consolidated appropriations for the fiscal year ending September 30, 1997’ (110 Stat. 3009–201)) and except as provided in subparagraph (B), the requirement under the preceding sentence shall apply to the compensation and payment of expenses or costs of a special master for any action that is commenced, before, on, or after the date of enactment of the Prison Litigation Reform Act of 1995.”; and

(C) by adding at the end the following:

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

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

## TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

### TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, includ-

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

#### INTERNATIONAL TRADE COMMISSION

##### SALARIES AND EXPENSES

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

#### DEPARTMENT OF COMMERCE

##### INTERNATIONAL TRADE ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; \$280,736,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

#### EXPORT ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards

of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; \$43,126,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION  
ECONOMIC DEVELOPMENT ASSISTANCE  
PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, \$250,000,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further*, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

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

MINORITY BUSINESS DEVELOPMENT AGENCY  
MINORITY BUSINESS DEVELOPMENT

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

ECONOMIC AND INFORMATION INFRASTRUCTURE  
ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$47,917,000, to remain available until September 30, 1999.

ECONOMICS AND STATISTICS ADMINISTRATION  
REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by sections 1, 2, and 4 of Public Law 91-412 (15 U.S.C. 1525-1527) and, notwithstanding section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912), charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS  
SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$138,056,000.

PERIODIC CENSUSES AND PROGRAMS

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

NATIONAL TELECOMMUNICATIONS AND  
INFORMATION ADMINISTRATION  
SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$16,574,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. §§ 902-903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC BROADCASTING FACILITIES, PLANNING  
AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$25,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$1,500,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further*, That, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Broadcasting Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended,

\$11,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

PATENT AND TRADEMARK OFFICE  
SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office or any successor organization, \$656,320,000, to remain available until expended: *Provided*, That \$629,320,000 of offsetting collections shall be assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 and shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at \$27,000,000: *Provided further*, That should legislation establishing an Office of the Under Secretary of Commerce for Intellectual Property Policy be enacted, such funds as are necessary, not to exceed 2 percent of projected annual revenues of the Patent and Trademark Office, shall be made available from the sum appropriated in this paragraph for the staffing, operation, and support of said office once a plan for this office has been submitted to the House and Senate Committees on Appropriations pursuant to section 605 of this Act.

SCIENCE AND TECHNOLOGY  
TECHNOLOGY ADMINISTRATION  
UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF  
TECHNOLOGY POLICY  
SALARIES AND EXPENSES

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

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

For necessary expenses of the National Institute of Standards and Technology, \$276,852,000, to remain available until expended, of which not to exceed \$500,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$111,040,000, to remain available until expended, of which not to exceed \$300,000 may be transferred to the "Working Capital Fund": *Provided*, That notwithstanding the time limitations imposed by 15 U.S.C. 278k(c) (1) and (5) on the duration of Federal financial assistance that may be awarded by the Secretary of Commerce to Regional Centers for the transfer of Manufacturing Technology ("Centers"), such Federal financial assistance for a Center may continue beyond six years and may be renewed for additional periods, not to exceed one year, at a rate not to exceed one-third of the Center's total annual costs, subject before any such renewal

to a positive evaluation of the Center and to a finding by the Secretary of Commerce that continuation of Federal funding to the Center is in the best interest of the Regional Centers for the transfer of Manufacturing Technology Program: *Provided further*, That the Center's most recent performance evaluation is positive, and the Center has submitted a reapplication which has successfully passed merit review.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, \$200,000,000, to remain available until expended, of which not to exceed \$500,000 may be transferred to the "Working Capital Fund."

#### CONSTRUCTION OF RESEARCH FACILITIES

For renovation of existing facilities of the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$16,000,000, to remain available until expended.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

#### OPERATIONS, RESEARCH, AND FACILITIES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 299 commissioned officers on the active list as of September 30, 1998; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883; \$1,999,052,000, to remain available until expended, of which not to exceed \$3,800,000 may be made available to the Secretary of Commerce for a study on the effect of intentional encirclement, including chase, on dolphins and dolphin stocks in the eastern tropical Pacific Ocean purse seine fishery: *Provided*, That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1998, so as to result in a final general fund appropriation estimated at not more than \$1,996,052,000: *Provided further*, That any such additional fees received in excess of \$3,000,000 in fiscal year 1998 shall not be available for obligation until October 1, 1998: *Provided further*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, \$62,381,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000. Notwithstanding any other provision of law and pursuant to the fiscal year 1997 Emergency Supplemental Act (Public Law 105-18) section 2004, funding for the following projects is to be made available from prior year carryover funds: \$200,000 for the Ship Creek facility in Anchorage, Alaska; \$1,000,000 for the construction of a facility on the Gulf Coast in Mississippi; and \$300,000 for an open ocean aquaculture project and community outreach programs in Durham, New Hampshire.

#### COASTAL ZONE MANAGEMENT FUND

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

##### CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, \$88,000,000, to remain available until expended.

##### FLEET MAINTENANCE AND PLANNING

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, \$15,823,000, to remain available until expended.

##### FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed \$200,000, to be derived from receipts collected pursuant to subsections (b) and (f) of section 10 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980), to remain available until expended.

##### FISHERMEN'S CONTINGENCY FUND

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

##### FOREIGN FISHING OBSERVER FUND

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

##### FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost of guaranteed loans, \$338,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used to guarantee loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

##### GENERAL ADMINISTRATION

##### SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed \$3,000 for official entertainment, \$28,490,000.

##### OFFICE OF INSPECTOR GENERAL

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

##### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner

prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedure set forth in that section.

SEC. 207. The Secretary may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 208. There is hereby established the Bureau of the Census Working Capital Fund, which shall be available without fiscal year limitation, for expenses and equipment necessary for the maintenance and operation of such services and projects as the Director of the Census Bureau determines may be performed more advantageously when centralized: *Provided*, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the Bureau: *Provided further*, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Working Capital Fund as of the close of the last completed fiscal year, shall be prepared each

year: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Working Capital Fund may be credited with advances and reimbursements from applicable appropriations of the Bureau and from funds of other agencies or entities for services furnished pursuant to law: *Provided further*, That any inventories, equipment, and other assets pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the Working Capital Fund: *Provided further*, That the Working Capital Fund shall provide for centralized services at rates which will return in full all expenses of operation, including depreciation of fund plant and equipment, amortization of automated data processing software and hardware systems, and an amount necessary to maintain a reasonable operating reserve as determined by the Director.

SEC. 209. None of the funds made available in this Act for fiscal year 1998 may be used by the Department of Commerce to make irreversible plans or preparation for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the appropriation of Representatives in Congress among the States.

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

(1) in subsection (a), by adding after the first sentence the following: "The Secretary of Commerce may seize and detain any commodity (other than arms or munitions of war) or technology which is intended to be or is being exported in violation of laws governing such exports and may seize and detain any vessel, vehicle, or aircraft containing the same or which has been used or is being used in exporting or attempting to export such articles."; and

(2) in subsection (b), by adding the following after "and not inconsistent with the provisions hereof."—

"However, with respect to seizures and forfeitures of property under this section by the Secretary of Commerce, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary of Commerce or, upon the request of the Secretary of Commerce, by any other agency that has authority to manage and dispose of seized property."

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

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

SEC. 212. The Office of Management and Budget shall designate the Jonesboro-Paragould, Arkansas Metropolitan Statistical Area in lieu of the Jonesboro, Arkansas Metropolitan Statistical Area. The Jonesboro-Paragould, Arkansas Metropolitan Statistical Area shall include both Craighead County, Arkansas and Greene County, Arkansas, in their entirety.

SEC. 213. In addition to funds provided elsewhere in this Act for the National Telecommunications and Information Administration Information Infrastructure Grants program, \$10,490,000 is available until ex-

pendent: *Provided*, That this amount shall be offset by proportionate reductions in appropriations provided for the Department of Commerce in title II of this Act: *Provided further*, That no reductions shall be made from any appropriations made available in this Act for the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology and the National Telecommunications and Information Administration Public Broadcasting Facilities, Planning and Construction program.

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

(1) protect consumers from the fraudulent transfer of their phone service provider;

(2) allow the efficient prosecution of phone service providers who defraud consumers; and

(3) encourage an environment in which consumers can readily select the telephone service provider which best serves them.

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

(1) As the telecommunications industry has moved toward competition in the long distance market, consumers have increasingly elected to change the company which provides their long-distance phone service. As many as fifty million consumers now change their long distance provider annually.

(2) The fluid nature of the long distance market has also allowed an increasing number of fraudulent transfers to occur. Such transfers have been termed "slamming", which constitutes any practice that changes a consumer's long distance carrier without the consumer's knowledge or consent.

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

(4) The increased costs which consumers face as a result of these fraudulent switches threaten to rob consumers of the financial benefits created by a competitive marketplace.

(5) The Telecommunications Act of 1996 sought to combat this problem by directing that any revenues generated by a fraudulent transfer be payable to the company which the consumer has expressly chosen, not the fraudulent transferor. Recently the Federal Communications Commission has exercised its proper authority to implement this rule. Eliminating the financial incentive to slam will reduce this problem.

(6) While the Federal Communications Commission has proposed and promulgated regulations on this subject, the Commission has not been able to effectively deter the practice of slamming due to a lack of prosecutorial resources as well as the difficulty of proving that a provider failed to obtain the consent of a consumer prior to acquiring that consumer as a new customer. Commission action to date has not adequately protected consumers.

(7) The majority of consumers who have been fraudulently denied the services of their chosen phone service vendor do not turn to the Federal Communications Commission for assistance. Indeed, section 258 of the Communications Act of 1934 directs that State commissions shall be able to enforce regulations mandating that the consent of a consumer be obtained prior to a switch of service.

(8) It is essential that Congress provide the Federal Communications Commission, law enforcement, consumers, and consumer agencies with the ability to efficiently and

effectively prosecute those companies which slam consumers, thus providing a deterrent to all other firms which provide phone services.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Communications Commission should, within 12 months of the date of enactment of this Act, promulgate regulations, consistent with the Communications Act of 1934 which provide law enforcement officials dispositive evidence for use in the prosecution of fraudulent transfers of presubscribed customers of long distance and local service; and

(2) the Senate should examine the issue of slamming and take appropriate legislative action in the One Hundred Fifth Congress to better protect consumers from unscrupulous practices including, but not limited to, mandating the recording and maintenance of evidence concerning the consent of the consumer to switch phone vendors, including a requirement for third-party verification, establishing higher civil fines for violations, approving the Federal Communications Commission's exercise of its authority to provide by rule for slammed consumers to be exempt from any payment requirement, and establishing a civil right of action against fraudulent providers, as well as criminal sanctions for repeated and willful instances of slamming.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1998".

### TITLE III—THE JUDICIARY

#### SUPREME COURT OF THE UNITED STATES

##### SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; \$28,903,000.

#### CARE OF THE BUILDING AND GROUNDS

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

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

##### SALARIES AND EXPENSES

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

#### UNITED STATES COURT OF INTERNATIONAL TRADE

##### SALARIES AND EXPENSES

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

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

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retire from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges,



magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$2,789,777,000 (including the purchase of firearms and ammunition); of which not to exceed \$16,530,000 shall remain available until expended for space alteration projects; and of which not to exceed \$10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

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

#### DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); \$308,000,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): *Provided*, That the annual incremental cost of each capital representation shall not exceed \$63,000: *Provided further*, That if the annual incremental cost of any capital representation exceeds \$63,000, the costs in excess of \$63,000 shall be paid equally out of funds appropriated or otherwise made available to the administrative units supporting the prosecutor and presiding judge.

#### FEES OF JURORS AND COMMISSIONERS

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

#### COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702); \$167,883,000, of which not to exceed \$26,962,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering ele-

ments of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

#### ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

##### SALARIES AND EXPENSES

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

#### FEDERAL JUDICIAL CENTER

##### SALARIES AND EXPENSES

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

#### JUDICIAL RETIREMENT FUNDS

##### PAYMENT TO JUDICIARY TRUST FUNDS

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

#### UNITED STATES SENTENCING COMMISSION

##### SALARIES AND EXPENSES

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

#### GENERAL PROVISIONS—THE JUDICIARY

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

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

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

SEC. 305. (a) SHORT TITLE.—This section may be cited as the "Ninth Circuit Court of Appeals Reorganization Act of 1997".

(b) NUMBER AND COMPOSITION OF CIRCUITS.—Section 41 of title 28, United States Code, is amended—

(1) in the matter before the table, by striking "thirteen" and inserting "fourteen";

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

"Ninth ..... California, Nevada."; and

(3) between the last 2 items of the table, by inserting the following new item:

"Twelfth ..... Alaska, Arizona, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, Washington.".

(c) NUMBER OF CIRCUIT JUDGES.—The table in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following new item:

"Ninth ..... 15";

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

"Twelfth ..... 13".

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

(1) by striking the item relating to the ninth circuit and inserting the following new item:

"Ninth ..... San Francisco, Los Angeles.";

and

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

"Twelfth ..... Portland, Seattle, Phoenix.".

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

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

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

(3) two co-equal clerks of the court for the twelfth circuit shall be located in two co-equal circuit seats which shall be located in Phoenix, Arizona, and Seattle, Washington, respectively.

(f) ELECTION OF ASSIGNMENT BY SENIOR JUDGES.—Each judge who is a senior judge of the former ninth circuit on the day before the effective date of this section may elect to be assigned to the new ninth circuit or to the twelfth circuit and shall notify the Director of the Administrative Office of the United States Courts of such election.

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

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

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

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

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

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified,

shall, by appropriate orders, be transferred to the court to which it would have gone had this section been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) A petition for rehearing or a petition for rehearing en banc in a matter decided before the effective date of this section, or submitted before the effective date of this section and decided on or after the effective date as provided in paragraph (1) of this subsection, shall be treated in the same manner and with the same effect as though this section had not been enacted. If a petition for rehearing en banc is granted, the matter shall be reheard by a court comprised as though this section had not been enacted.

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

(1) “former ninth circuit” means the ninth judicial circuit of the United States as in existence on the day before the effective date of this section;

(2) “new ninth circuit” means the ninth judicial circuit of the United States established by the amendment made by subsection (b)(2);

(3) “twelfth circuit” means the twelfth judicial circuit of the United States established by the amendment made by subsection (b)(3).

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

(k) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on October 1, 1997.

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

SEC. 307. Section 44(c) of title 28, United States Code, is amended by adding at the end thereof the following sentence: “In each circuit (other than the Federal judicial circuit) there shall be at least one circuit judge in regular active service appointed from the residents of each state in that circuit.”

This title may be cited as “The Judiciary Appropriations Act, 1998”.

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

##### DEPARTMENT OF STATE

###### ADMINISTRATION OF FOREIGN AFFAIRS

###### DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration; \$1,727,868,000: *Provided*, That of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with funds in, the “Emergencies in the Diplomatic and Consular Service” appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That of the amount made available under this

heading, not to exceed \$125,000 shall be available only for the Maui Pacific Center: *Provided further*, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), fees may be collected during fiscal year 1998 and each fiscal year thereafter under the authority of section 140(a)(1) of that Act: *Provided further*, That all fees collected under the preceding proviso shall be deposited as an offsetting collection to appropriations made under this heading to recover the costs of providing consular services and shall remain available until expended.

In addition, not to exceed \$700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717); and in addition not to exceed \$1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90-553), as amended, and in addition, as authorized by section 5 of such Act \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; and in addition not to exceed \$15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts “Diplomatic and Consular Programs” and “Salaries and Expenses” under the heading “Administration of Foreign Affairs” may be transferred between such appropriation accounts: *Provided*, That any transfer pursuant to this sentence shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

###### SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, \$363,513,000.

###### CAPITAL INVESTMENT FUND

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

###### OFFICE OF INSPECTOR GENERAL

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

###### REPRESENTATION ALLOWANCES

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

###### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accord-

ance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, \$7,900,000, to remain available until September 30, 1999.

###### SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), \$420,281,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

###### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), \$5,500,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

###### REPATRIATION LOANS PROGRAM ACCOUNT

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

###### PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), \$14,490,000.

###### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

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

###### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

###### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$957,009,000, of which not to exceed \$54,000,000 shall remain available until expended for payment of arrearages owed the United Nations: *Provided*, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated or otherwise made available by this Act for “Contributions to International Organizations”, including payment of arrearages owed to the United Nations, may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of the Foreign Affairs Reform and Restructuring Act of 1997: *Provided further*, That notwithstanding section 402 of this Act, not to

exceed \$10,000,000 may be transferred from the funds made available under this heading to the "International Conferences and Contingencies" account for assessed contributions to new or provisional international organizations or for travel expenses of official delegates to international conferences: *Provided further*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security \$200,320,000, of which not to exceed \$46,000,000 shall remain available until expended for payment of arrearages: *Provided*, That none of the funds appropriated or otherwise made available by this Act for "Contributions for International Peacekeeping Activities", including payment of arrearages, may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of the Foreign Affairs Reform and Restructuring Act of 1997.

#### INTERNATIONAL COMMISSIONS

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

##### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$10,000 for representation; as follows:

##### SALARIES AND EXPENSES

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

##### CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$6,463,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

##### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the international Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182; \$5,010,000, of which not to exceed \$9,900 shall be available for representation expenses incurred by the International Joint Commission: *Provided*, That of the amount made available under this heading, not to exceed \$40,000 shall be available only for the Bering Straits Commission.

##### INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, \$14,549,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

##### OTHER

##### PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, \$5,000,000, to remain available until expended, as authorized by section 24(c) of the

State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

#### RELATED AGENCIES

##### ARMS CONTROL AND DISARMAMENT AGENCY ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided for arms control, nonproliferation, and disarmament activities, \$32,613,000 of which not to exceed \$50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

##### UNITED STATES INFORMATION AGENCY INTERNATIONAL INFORMATION PROGRAMS

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized by section 801 of such Act of 1948 (22 U.S.C. 1471), and entertainment, including official receptions, within the United States, not to exceed \$25,000 as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)); \$427,097,000: *Provided*, That not to exceed \$1,400,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085): *Provided further*, That not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other law, fees from student advising and counseling: *Provided further*, That not to exceed \$920,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

##### TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), \$10,000,000, to remain available until expended.

##### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), \$200,000,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): *Provided*, That not to exceed \$500,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475a).

##### EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1998, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

##### ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1998, to remain available until expended.

##### INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities; \$339,655,000, of which not to exceed \$10,000,000 shall be available only on a dollar-for-dollar basis when matched with the proceeds of sales of advertising air time, of which not to exceed \$16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)), not to exceed \$35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed \$250,000 from fees as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e), to remain available until expended for carrying out authorized purposes; and in addition, notwithstanding any other provision of law, not to exceed \$1,000,000 in monies received (including receipts from advertising, if any) by or for the use of the United States Information Agency from or in connection with broadcasting resources owned by or on behalf of the Agency, to be available until expended for carrying out authorized purposes.

##### BROADCASTING TO CUBA

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

##### RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio

and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), \$32,710,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

#### EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054-2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$22,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

#### NORTH/SOUTH CENTER

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

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

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds hereafter appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

SEC. 404. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 405. None of the funds appropriated or otherwise made available by this Act or any

other Act for fiscal year 1998 or any fiscal year thereafter may be obligated or expended to pay for any cost incurred in—

(1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995;

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

(3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam in excess of the total number of personnel assigned to the posts as of July 11, 1995, unless the President certifies within 60 days of the beginning of each fiscal year the following:

(A) Based upon a formal assessment of all information available to the United States Government, the Government of the Socialist Republic of Vietnam is fully cooperating with the United States in the following:

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

(ii) Recovering and repatriating American remains.

(iii) Accelerating efforts to provide documents that will help lead to fullest possible accounting of prisoners of war and missing in action.

(iv) Providing further assistance in implementing trilateral investigations with Laos.

(B) The remains, artifacts, eyewitness accounts, archival material, and other evidence associated with prisoners of war and missing in action recovered from crash sites, military actions, and other locations in Southeast Asia are being thoroughly analyzed by the appropriate laboratories with the intent of providing surviving relatives with scientifically defensible, legal determinations of death or other accountability that are fully documented and available in unclassified and unredacted form to immediate family members.

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

(2) Paragraph (1) applies to amounts made available by title IV of this Act under the heading "ADMINISTRATION OF FOREIGN AFFAIRS" as follows:

(A) \$108,932,000 of the amount made available under the paragraph "DIPLOMATIC AND CONSULAR PROGRAMS".

(B) \$3,530,000 of the amount made available under the paragraph "SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS".

(b) Funds transferred pursuant to subsection (a) shall be transferred to the specified appropriation, allocated to the specified account or accounts in the specified amount, be merged with funds in such account or accounts that are available for administrative support expenses of overseas activities, and be available for the same purposes, and subject to the same terms and conditions, as the funds with which merged, as follows:

(1) Appropriations for the Legislative Branch—

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

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

(2) Appropriations for the Office of the United States Trade Representative, for salaries and expenses, \$302,000.

(3) Appropriations for the Department of Commerce, for the International Trade Administration, for operations and administration, \$7,055,000.

(4) Appropriations for the Department of Justice—

(A) for legal activities—

(i) for general legal activities, for salaries and expenses, \$194,000; and

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

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

(C) for the Drug Enforcement Administration, for salaries and expenses, \$6,356,000; and

(D) for the Immigration and Naturalization Service, for salaries and expenses, \$1,313,000.

(5) Appropriations for the United States Information Agency, for international information programs, \$25,047,000.

(6) Appropriations for the Arms Control and Disarmament Agency, for arms control and disarmament activities, \$1,247,000.

(7) Appropriations to the President—

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

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

(C) for the Agency for International Development—

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

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

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

(iv) for the Development Fund for Africa, \$526,000;

(v) for assistance for the new independent states of the former Soviet Union, \$818,000;

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

(vii) for international disaster assistance, \$306,000;

(D) for the Peace Corps, \$3,672,000; and

(E) for the Department of State—

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

(ii) for migration and refugee assistance, \$394,000.

(8) Appropriations for the Department of Defense—

(A) for operation and maintenance—

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

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

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

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

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

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

(10) Appropriations for the Department of Agriculture—

(A) for the Animal and Plant Health Inspection Service, for salaries and expenses, \$932,000;

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

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

(11) Appropriations for the Department of Treasury—

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

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

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

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

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

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

(12) Appropriations for the Department of Transportation—

(A) for the Federal Aviation Administration, for operations, \$1,594,000; and

(B) for the Coast Guard, for operating expenses, \$65,000.

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

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

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

(B) for the Office of the Secretary, for general departmental management, \$71,000; and

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

(15) Appropriations for the Social Security Administration, for administrative expenses, \$370,000.

(16) Appropriations for the Department of the Interior—

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

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

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

(17) Appropriations for the Department of Veterans Affairs, for departmental administration, for general operating expenses, \$453,000.

(18) Appropriations for the National Aeronautics and Space Administration, for mission support, \$183,000.

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

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

(21) Appropriations for the Department of Energy—

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

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

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

SEC. 407. NATIONAL ENDOWMENT FOR DEMOCRACY.—For grants made by the United States information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$30,000,000, to remain available until expended. The language on page 119, line 15 to wit, “\$105,000,000” is deemed to be “\$75,000,000”. This shall become effective one day after enactment of this Act.

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

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

(2) John H.R. Berg's dedication to the United States Government was further exhibited by his desire to become a United States citizen, a goal that was achieved in 1981, 35 years after he began his commendable service to the United States; and

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

(4) John H.R. Berg's reputation for “accomplishing the impossible” through his dedication, efficiency and knowledge has become legend in the Foreign Service; and

(5) John H.R. Berg has just completed 50 years of outstanding service to the United States Government with the United States Department of State.

(b) SENSE OF SENATE.—Therefore it is the sense of the Senate that John H.R. Berg de-

serves the highest praise from the Congress for his steadfast devotion, caring leadership, and lifetime of service to the United States Government.

SEC. 409. Not to exceed \$2,000,000 may be made available for the 1999 Women's World Cup Organizing Committee cultural exchange and exchange related activities associated with the 1999 Women's World Cup.

SEC. 410. Notwithstanding any other provision in this Act the amount for the Department of State “CAPITAL INVESTMENT FUND” shall be \$105,000,000.

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

## TITLE V—RELATED AGENCIES

### MARITIME ADMINISTRATION

#### OPERATING-DIFFERENTIAL SUBSIDIES

##### (LIQUIDATION OF CONTRACT AUTHORITY)

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

#### MARITIME SECURITY PROGRAM

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

#### OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$69,000,000: *Provided*, That reimbursements may be made to this appropriation from receipts to the “Federal Ship Financing Fund” for administrative expenses in support of that program in addition to any amount heretofore appropriated.

#### MARITIME GUARANTEED LOAN (TITLE XI)

##### PROGRAM ACCOUNT

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

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed \$4,000,000, which shall be transferred to and merged with the appropriation for Operations and Training.

#### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be

covered into the Treasury as miscellaneous receipts.

#### COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

##### SALARIES AND EXPENSES

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

#### COMMISSION ON CIVIL RIGHTS

##### SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$8,740,000: *Provided*, That not to exceed \$50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

#### COMMISSION ON IMMIGRATION REFORM

##### SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, \$459,000 to remain available until expended.

#### COMMISSION ON SECURITY AND COOPERATION IN EUROPE

##### SALARIES AND EXPENSES

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

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; not to exceed \$27,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; \$242,000,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

#### FEDERAL COMMUNICATIONS COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-02; not to exceed \$600,000 for land and structure; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; \$185,949,000, of which not to exceed \$300,000 shall remain available until September 30, 1998, for research and policy studies: *Provided*, That \$162,523,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the

Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation estimated at \$23,426,000: *Provided further*, That any offsetting collections received in excess of \$162,523,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

FEDERAL MARITIME COMMISSION  
SALARIES AND EXPENSES

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

FEDERAL TRADE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses; \$108,000,000: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That notwithstanding any other provision of law, not to exceed \$70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1997, so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than \$28,000,000, to remain available until expended; that not more than \$10,000,000 shall be available from prior year unobligated fee collections: *Provided further*, That any fees received in excess of \$70,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242, 105 Stat. 2282-2285): *Provided further*, That, for a period of one year, none of the funds made available to the Federal Trade Commission shall be spent on an administrative proceeding concerning the merger of two hospitals where the Commission has already sought injunctive relief under 15 U.S.C. 53(b), and prior to July 9, 1997, a Court of Appeals has affirmed the denial of the injunctive relief requested by the Commission unless further review overturns the decision by the court of appeals.

LEGAL SERVICES CORPORATION  
PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the

Legal Services Corporation Act of 1974, as amended, \$300,000,000, of which \$273,070,000 is for basic field programs and required independent audits; \$2,019,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$7,911,000 is for management and administration; and \$17,000,000, to remain available until expended, is for pro se legal education demonstration projects.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) CONTINUATION OF COMPETITIVE SELECTION PROCESS.—None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104-134 (110 Stat. 1321-52 et seq.).

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

(c) ADDITIONAL PROCEDURES.—If, during any term of a grant or contract awarded to a recipient by the Legal Services Corporation under the competitive selection process referred to in subsection (a) and applicable Legal Services Corporation regulations, the Legal Services Corporation finds, after notice and an opportunity for a hearing to the recipient, that the recipient has failed to comply with any requirement of the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), this Act, or any other applicable law relating to funding for the Legal Services Corporation, the Legal Services Corporation may terminate the grant or contract and institute a new competitive selection process for the area served by the recipient, notwithstanding the terms of the grant or contract of the recipient.

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

(1) sections 501, 502, 505, 506, and 507 of Public Law 104-134 (110 Stat. 1321-51 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all references in such sections to 1995 and 1996 shall be deemed to refer instead to 1997 and 1998, respectively; and

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

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

(B) paragraph (3) of section 508(b) of Public Law 104-134 (110 Stat. 1321-58) shall apply with respect to the requirements of subsection (a)(13) of such section 504, except that all references in such section 508(b) to the date of enactment shall be deemed to refer to April 26, 1996; and

(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a mem-

ber of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

(ii) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty.

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

(1) The term "battered or subjected to extreme cruelty" has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 (Public Law 103-322; 108 Stat. 1953).

(2) The term "related legal assistance" means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in such subsection.

SEC. 503. (a) CONTINUATION OF AUDIT REQUIREMENTS.—The requirements of section 509 of Public Law 104-134 (110 Stat. 1321-58 et seq.), other than subsection (1) of such section, shall apply during fiscal year 1998.

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

SEC. 504. (a) DEBARMENT.—The Legal Services Corporation may debar a recipient, on a showing of good cause, from receiving an additional award of financial assistance from the Legal Services Corporation. Any such action to debar a recipient shall be instituted after the Legal Services Corporation provides notice and an opportunity for a hearing to the recipient. The decision regarding the debarment shall not be subject to Section 1011 of the Legal Services Corporation Act (42 U.S.C. 2996j).

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

(c) In this section, the term "good cause", used with respect to debarment, includes—

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

(2) prior termination in whole, under part 1606 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling), of the most recent financial assistance received by the recipient, prior to the date of the debarment decision;

(3) substantial violation by the recipient of the statutory or regulatory restrictions that prohibit recipients from using financial assistance made available by the Legal Services Corporation or other financial assistance for purposes prohibited under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or for involvement in any activity prohibited by, or inconsistent with, section 504 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, section 502(a)(2) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, or section 502(a)(2) of this title;

(4) knowing entry by the recipient into a subgrant, subcontract, or other agreement with an entity that had been debarred by the Corporation; or



(5) the filing of a lawsuit by the recipient, on behalf of the recipient, as part of any program receiving any federal funds, naming the Legal Services Corporation, or any agency or employee of a federal, state, or local government, as a defendant.

#### MARINE MAMMAL COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$1,240,000.

#### GAMBLING IMPACT STUDY COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the National Gambling Impact Study Commission, \$1,000,000, to remain available until expended: *Provided*, That funds made available for this purpose shall be taken from funds made available on page 23, line 16.

#### SECURITIES AND EXCHANGE COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$285,412,000, of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance, (2) any travel and transportation to or from such meetings, and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by section 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed \$249,523,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That the total amount appropriated from the General Fund for fiscal year 1998 under this heading shall be reduced as all such offsetting collections are deposited to this appropriation so as to result in a final total fiscal year 1998 appropriation from the General Fund estimated at no more than \$35,889,000.

#### SMALL BUSINESS ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103-403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$246,100,000, of which \$16,500,000 shall be available to fund technical assistance grants in fiscal year 1998 as authorized by section 7(m) of the Small Business Act, as amended: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by

the Small Business Administration, and certain loan servicing activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further*, That \$75,800,000 shall be available to fund grants for performance in fiscal year 1997 or fiscal year 1998 as authorized by section 21 of the Small Business Act, as amended.

#### OFFICE OF INSPECTOR GENERAL

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

#### BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, \$181,232,000, as authorized by 15 U.S.C. 631 note: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 1998, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$94,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

#### DISASTER LOANS PROGRAM ACCOUNT

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

#### SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, \$3,500,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

#### ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 505. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### STATE JUSTICE INSTITUTE

##### SALARIES AND EXPENSES

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

#### TITLE VI—GENERAL PROVISIONS

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

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

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 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 through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 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.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

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

(5) the use or possession of any electric or electronic musical instrument.

SEC. 610. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act; *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 611. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

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

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

(1) has been credibly alleged to have ordered, carried out, or materially assisted in

the extrajudicial and political killings of Antoine Izmyer, Guy Malar, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

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

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996;

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

(5) was a member of the Haitian High Command during the period 1991 through 1994, and has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in—

(A) the September 1991 coup against any person who was a duly elected government official of Haiti (or a member of the family of such official), or

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

(6) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts any such person, the Secretary shall notify the appropriate congressional committees in writing.

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

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than 3 months after the date of enactment of this Act.

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

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

(d) DEFINITION.—In this section, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 614. SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT MANIPULATE UNIVERSAL SERVICE SUPPORT PAYMENTS TO BALANCE THE FEDERAL BUDGET. (a) FINDINGS.—The Congress finds that—

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

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

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

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

(C) Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services.

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

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

(F) Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services.

(3) Federal and State universal contributions are administered by an independent, non-Federal entity and are not deposited into the Federal Treasury and therefore not available for Federal appropriations.

(4) The Conference Committee on the Balanced Budget Reconciliation Act of 1997, is considering proposals that would withhold Federal universal service funds in the year 2002.

(5) The withholding of billions of dollars of universal service support payments may result in temporary rate increases in rural and high cost areas and may delay qualifying schools, libraries, and rural health facilities discounts directed under the Telecommunications Act of 1996.

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

SEC. 615. For fiscal year 1998 and subsequent fiscal years, in establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

SEC. 616. The Legal Services Corporation shall—

(1) conduct a study to determine the estimated number of individuals who were unable to obtain assistance from its grantees as a result of the enactment of section 504(a)(16) of the Departments of Commerce, Justice,

and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-55), during the six month period commencing with the enactment of this Act; and

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

TITLE VII—RESCISSIONS  
DEPARTMENT OF JUSTICE  
GENERAL ADMINISTRATION  
WORKING CAPITAL FUND  
(RESCISSION)

Of the unobligated balances available under this heading on September 30, 1997, \$30,310,000 are rescinded.

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

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, at this point, I certainly want to thank Senators for their cooperation on the passage of the Commerce, State, Justice bill. I, obviously, especially thank the Senator from South Carolina without whose expertise and input we could not have moved this bill in such an aggressive and bipartisan manner. He has a huge institutional knowledge, which he used in a most constructive and effective way in allowing us to pull together a bill that can work and that has passed with an exceptionally strong vote. I thank him for all his assistance.

Mr. HOLLINGS. Mr. President, as we say at home, let the record speak. I have been with this bill 26 years and, as the distinguished Senator from New Hampshire said, it was the first time we ever passed the bill unanimously. I thank the Senator for his cooperation and wonderful help on both sides.

Mr. GREGG. It could not have been done without the Senator's efforts and especially the assistance of the staff, which worked overtime on both sides of the aisle.

I especially want to thank Scott Gudes, who is the minority staff leader, and his assistants, Emily East and Karen Swanson Wolf, for their exceptional work on our side of the aisle. We had a wonderful team that worked literally hundreds of hours and did an exceptional job: Jim Morhard, who is the clerk, Kevin Linskey, Paddy Link, Carl Truscott, Dana Quam, and Vasiliki Alexopoulos. I can't say enough about the extraordinary effort that these people put in, and it certainly reflects in their expertise.

I would have to say that actually I am not sure we had a majority that passed this bill at one point earlier this year. So, the fact that it was passed in this way reflects the fact that a lot of extraordinary work went into it.

Again, I thank everyone for their participation.

Mr. HOLLINGS. Mr. President, I want to thank again the distinguished

chairman, Senator GREGG, from New Hampshire. He has worked these issues very hard and studied these programs with great deliberation. He has done a really, really superb job on this State, Justice, and Commerce bill. He has put this bill together in a bipartisan fashion, considering Members' interests from both sides of the aisle.

You know that is the way appropriations bills have worked in the past. Mr. President, that is the way they are supposed to work. It has enabled us to pass this bill through committee with overwhelming support. It has enabled us to quickly complete action in just a little more than 1 day. And, I believe that this spirit of bipartisanship will be reflected shortly in the vote on final passage.

Of course, I would also like to recognize the support and guidance from our new Committee Chairman TED STEVENS and his right hand man, our committee staff director Steve Cortese. They are getting the trains to run on time. In fact, we are way ahead of the House, which hasn't even taken up the State, Justice, and Commerce bill. Steve Cortese has taken on the job of running our full Appropriations Committee as well as continuing to serve as staff director of the Defense Subcommittee. That is incredible. And, we, of course, very much appreciate the support of our leader, Senator BYRD and his staff director, Jim English. Senator BYRD and Jim English know these 13 appropriations bills thoroughly. They work tirelessly and continue to watch out for our committee and for our Senate as an institution.

Mr. President, I would like to take a minute to recognize the subcommittee staff. On the majority side they are led by Jim Morhard. Jim is level headed and experienced. He knows appropriations and how to put together legislation and build consensus. I can tell you that Chairman STEVENS and Senator GREGG know they can rely on Jim's counsel. His staff includes Paddy Link, Kevin Linskey, Dana Quam, Vasiliki Alexopoulos, and Carl Truscott, who is on detail from the U.S. Secret Service. These individuals have been working night and day putting together this bill. They are all new this year to the subcommittee. Jim Morhard moved over from military construction appropriations; Paddy Link joined us from the Commerce, Science, and Transportation Committee; and Kevin Linskey worked for the distinguished former leader, Senator Dole. They each bring unique backgrounds and perspectives to their positions. And, they have each had to learn about the agencies and programs in this very diverse and important State, Justice, and Commerce appropriations bill. They have had to be quick studies. They have done a truly outstanding job, and they have done a real service for the committee and the Senate.

I especially want to recognize Paddy Link for her dedication. I have known Paddy for years. She was, of course,

Larry Pressler's chief of staff on the Commerce, Science, and Transportation Committee. She has experience over in the House Science Committee and during the Reagan and Bush administrations Paddy was at Commerce and served as director of legislative affairs at NOAA. During the same week that this bill went before the subcommittee, Paddy's father suffered a severe stroke and tragically passed away. Paddy continued to lend a hand even under such trying circumstances. I think she knows that all the Members' hearts go out to her and her family in their loss. She went far beyond the call of duty to help out in the production of this bill. It is a tribute to her sense of public service and professionalism.

Finally, I want to recognize the staff on our side. Scott Gudes, our subcommittee staff director, has been with me now for almost 7 years after 4½ years on Defense appropriations. He has been with me so long that I've got him automatically thinking of USC as meaning the University of South Carolina instead of another institution in his native southern California. Karen Swanson Wolf, who is on detail to us from the National Oceanic and Atmospheric Administration, has been doing a great job for the subcommittee. She has been dealing with justice and judiciary issues, and has been working on patent and trademark issues. And, finally, Emelie East who helps out this subcommittee as well as the Defense, Military Construction and Foreign Operations Subcommittees. Senator BYRD has picked a winner there. Every subcommittee, even the majority staff, keep putting in requests for Emelie to help out in markup, on the floor, and in conference. She is our utility player on the Appropriations Committee going from one bill to another. And, with this bill she will be seeing her fourth get through the Senate and be sent to the House of Representatives. Ms. East is as professional as they get and we all appreciate the outstanding work she does day in and day out.

So Mr. President, I just wanted to recognize these fine public servants. We don't do that enough around here. I, for one, appreciate their hard work.

I suggest the absence of a quorum.  
The PRESIDING OFFICER (Mrs. HUTCHISON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—  
H.R. 2266

The PRESIDING OFFICER. Under the previous order, the Chair appoints conferees on H.R. 2266.

The Presiding Officer appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER,