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PRESERVATON OF SENATORS' PAPERS

Mr. LOTT. Mr. President, in the dozen or so weeks between the end of this congressional session and the start of the next, members might profitably encourage their staffs to pursue a matter of great importance to the preservation of the Senate's institutional memory. I refer to the archiving of senators' noncurrent office files and personal papers.

I recognize that most of us have enough to engage our attention thinking about the demands of today and tomorrow, without worrying a great deal about the records of yesterday. That's why the intersession recess offers a useful opportunity to address this important housekeeping matter. Our records deserve professional attention—not just in the final days of our Senate careers—but throughout our entire service here. The current proliferation of records in electronic formats makes this updating particularly urgent. Whether on disks, tapes, or paper, these records, if properly managed, will take their place as vital historical resources in the decades ahead. By planning now, senators can minimize preservation costs while maximizing research value at the time these records are opened for research and other educational purposes.

Many senators have already made commitments to home-state educational institutions for staged transfer of their non-current records. For those who have not, I urge you to seek the assistance of the Senate Archivist within the Office of the Secretary of the Senate. What better way could there be to join those who have come before us in preserving and enriching the documentary resource of this great institution.

THANKS TO MAJOR GENERAL LANSFORD E. TRAPP, JR.

Mr. DASCHLE. Mr. President, I would like to take this opportunity to thank and pay tribute to Major General Lansford E. Trapp, Jr. for his exceptional service to the United States Senate as the Deputy Director and then Director of Air Force Legislative Liaison. Although I am disappointed that General Trapp will be leaving us shortly to become the next Commander of Twelfth Air Force in Arizona, his pending nomination to be a Lieutenant General and challenging assignment are well-deserved.

NOTICE

Under the Rules for Publication of the Congressional Record, a final issue of the Congressional Record for the first session of the 105th Congress will be published on the 31st day after adjournment in order to permit Members to revise and extend their remarks.

All materials for insertion must be signed by the Member and delivered to the respective offices responsible for the Record in the House or Senate between the hours of 9 a.m. and 5 p.m., Monday through Friday (until the 10th day after adjournment). House Members should deliver statements to the Office of Floor Reporters (Room HT–60 of the Capitol) and Senate Members to the Office of Official Reporters of Debate (S–123 in the Capitol).

The final issue will be dated the 31st day after adjournment and will be delivered on the 33d day after adjournment. None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the adjournment date.

Along with signed statements, House Members are requested, whenever possible, to submit revised statements or extensions of remarks and other materials related to House Floor debate on diskette in electronic form in ASCII, WordPerfect or MicroSoft Word format. Disks must be labeled with Members' names and the filename on the disk. All disks will be returned to Member offices via inside mail.

Senators statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debate at ''Record@Reporters''.

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By order of the Joint Committee on Printing.

JOHN WARNER, *Chairman.*

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General Trapp's experience in southeast Asia, as wing commander in Panama during Operation Just Cause, and as commander of the 366th Wing at Mountain Home Air Force Base in Idaho prepared him well to lead the Air Force's Legislative Liaison. He is an extraordinary officer who, through dedication and expertise, has built an impressive record of achievement throughout his 28 years of service to our nation.

One of the most exceptional aspects of his background is that General Trapp is from my home state of South Dakota. In fact, Lanny and I were classmates at South Dakota State University, where we both participated in the Reserve Officer Training Corps program. We also entered the Air Force the same year, in 1969, amidst the turmoil of the Vietnam war.

I am proud of the fact that General Trapp has progressed to a leadership position of such significance because I believe it is a tribute not only to him and his family, but to the entire state of South Dakota. While Lanny is currently a long way from his hometown of Brookings, South Dakota, he has served our state and our country well throughout his career and particularly during his time in Washington.

His judgment and unquestionable integrity have formed the bedrock of the maturing relationship between the Air Force and the Senate, facilitating the modernization the Air Force has pursued in the post-cold war era. General Trapp has worked tirelessly to make the senior leadership of the Air Force easily accessible to Members and staff, knowing well the importance of constant dialogue. He has always been very responsive to inquiries and is a frequent and welcome visitor to the Hill. Under his leadership, General Trapp's Legislative Liaison organization enhanced its already strong reputation for responsiveness, thoroughness and accuracy when providing information on Air Force policies and programs to various committees, Senators and their staffs. He and his staff in the Russell Senate Office Building and in the Pentagon deserve to be commended for their hard work and dedication.

General Trapp has been particularly responsive and helpful to me during the past two years. As many of my colleagues know, South Dakota is the proud home of Ellsworth Air Force Base and the B–1 bomber. General Trapp has been very responsive to questions and concerns I have raised from time to time, and the Air Force simply could not find a more fair and understanding representative. He willingly traveled with me to Ellsworth on more than one occasion.

It has been both an honor and a pleasure for me to work with General Trapp during his tenure as Deputy Director and then Director of Air Force Legislative Liaison. He has set new standards of excellence in these critically important positions, and all of us in the Senate are indebted to him for his efforts. More importantly to me, Lanny has become a good friend. My wife, Linda, and I congratulate General Trapp on his nomination to be a Lieutenant General in the Air Force and wish him and his wife, Nancy, great health and happiness as they embark on their new assignment. We will miss them both.

FISCAL YEAR 1998 LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS CONFERENCE REPORT

Mr. DASCHLE. Mr. President, I would like to discuss an amendment that this body passed as part of the Labor, Health and Human Services and Education Appropriations bill. That amendment, S.1101, would have put into motion a strategy aimed at confronting fetal alcohol syndrome (FAS), the number one cause of mental retardation in this country. Even though S.1101 was a modest, non-controversial and wholly beneficial addition to the Labor/HHS bill, the House refused to accept it. There were no funding tradeoffs involved, no unresolved policy concerns. Instead, the measure was killed because of ''jurisdictional issues.'' To quote the conference report: ''This matter is one that is more appropriately considered by the authorizing committees; those committees have objected to the inclusion of the provision in the conference agreement.''

Mr. President, those committees have had five years to consider this matter. That's how long there have been bills in both the House and Senate that would do exactly what the amendment aimed to do. While Congress considers this matter, tens of thousands of children are being denied the capacity to live a normal life. Tens of thousands of families are confronting overwhelming obstacles as their children drift in and out of hospitals, mental health institutions, detention centers, and substance abuse treatment.

We can label it inertia, a lack of understanding, or bad timing, but there is no sufficient explanation for the lack of attention that has been paid to this issue. Fetal alcohol syndrome and fetal alcohol effects (FAE) are 100 percent preventable, yet new cases are identified every single day. Up to 12,000 children are born with FAS in the United States each year. Thousands more are born with FAE. The incidence of FAS may be as high as one per 100 in some Native American communities.

FAS and FAE are characterized by multiple physical, mental and behavioral problems, handicaps that interfere in tragic ways with a child's ability to live a normal, productive life.

The costs associated with caring for individuals with FAS and FAE are staggering. The Centers for Disease Control and Prevention estimates that the lifetime cost of treating an individual with FAS is almost $1.4 million. The total cost in terms of health care and social services to treat all Americans with FAS was estimated at $2.7 billion in 1995. This is an extraordinary and unnecessary expense.

Aggressive action to fight back against FAS—to detect it and prevent it and help FAS children and their families cope with it—is long overdue. I am asking this body to work with me to ensure that we pass meaningful, targeted FAS legislation next year. Frankly, I am not particularly concerned about which protocols we follow to get us from here to there. Those details pale in comparison to the magnitude of the problem confronting us and the opportunities we have missed to address it. What I am concerned about is that we finally, finally, get the job done.

RETIREMENT OF HUMANA CHIEF EXECUTIVE OFFICER DAVID E. JONES

Mr. FORD. Mr. President, I'm honored today to salute one of Kentucky's and this nation's finest business leaders and statesmen, David A. Jones. David will soon be retiring as Chief Executive Officer of Humana Inc., the company he co-founded over 36 years ago.

David is one of this country's all-time great business leaders. His career has been marked by a deep commitment to high principles and community service and he will leave behind a very distinguished history of service to Kentucky and the nation. Fortunately, Kentucky and the health care industry won't be losing his guidance entirely as David continues as chairman of the board of directors of Humana.

A native of Louisville, David earned a bachelor's degree from the University of Louisville in 1954, where he won the outstanding senior award. He also became a Certified Public Accountant that same year. After three years of service in the U.S. Navy, he entered Yale University, earning a law degree (JD) in 1960, while also serving on the economics faculty from 1958 to 1960. David also holds honorary doctorates from the Chicago Medical School, the University of Louisville, Transylvania University and the Claremont Graduate School.

In 1961, David and another young lawyer, Wendell Cherry, discussed ways to build and operate a new kind of nursing home—one that would treat its elderly patients not only with dignity and respect, but with a kind of personal attention rarely seen in nursing homes of that time. The nursing home was called Heritage House and was located in Louisville. The company began to grow and add additional facilities. Eventually, the company, then known as Extendicare, became the largest nursing home company in America with more than 40 facilities. As the company continued to grow, it eventually divested itself of all nursing homes to concentrate on the hospital business.

To reflect the company's new direction, the corporate name was changed to Humana Inc. in January of 1974. During David's tenure as chief executive, Humana Inc. became one of the nation's leading health care companies. The company pioneered the measurement of hospital quality and productivity to achieve consistent care for every patient.

In 1982, Humana established its Centers of Excellence program, designating hospitals that offered unsurpassed specialty care by combining research and education with state-of-the-art treatment. While the Humana Heart Institute International at Humana Hospital-Audubon became renowned for its pioneering research into the artificial heart, other Centers of Excellence were developed in the specialties of diabetes, neuroscience, orthopedics, and spinal injury care.

David continued to lead Humana as dramatic changes occurred in the hospital industry in the 1980s. In 1984, Humana created a family of flexible health care plans. The health insurance side of the company grew and matured, and in 1993, Humana separated its hospital and health insurance divisions. Although no longer in the hospital business, Humana Inc. continues to be one of the leading health care companies in the nation.

In addition to his outstanding business acumen, David is also a deeply committed humanitarian who created the Humana Foundation, a charitable organization committed to the arts, education and other causes around the world. In part because of that support, the Humana Foundation won the 1996 Business in the Arts Award given by the Business Committee for the Arts and Forbes Magazine.

David has helped build affordable housing in marginal neighborhoods, put computers in schools, supported an international theater festival in Louisville, helped launch an African-American business venture fund, helped attract the Presbyterian Church USA headquarters to the river front, and for a brief time in the 1970s, brought professional basketball to Louisville. More recently, he helped raise nearly $750,000 in flood aid for Louisville residents and businesses by pledging to match contributions from local companies or business leaders.

During his tenure as Chief Executive Officer of Humana, David worked hard for his employees, fought for his beliefs, and strived to make our nation an even better place. He has been a tireless promoter of business in Kentucky, and his efforts undoubtedly helped to make the state an important part of the burgeoning national economy.

Nationally, his opinions and actions help set the direct for health care policy, not just in this country, but all over the world. He has been the architect of many initiatives in this country, but has also been a leader in improving and expanding health care delivery in Romania. In a joint venture with Baylor Medical Center in Texas, Humana is helping rebuild the health care system in Romania, which is struggling to survive as a new democracy.

A compassionate heart has kept him humble and grounded, his path straight, his words true, and his conviction undiminished. The career of David Jones should be an model to all those who aspire to succeed in business. Indeed, David is a man of integrity, ability, and dedication, and we commend him for the great service he has rendered this Nation.

Mr. President, I know that all the Members of the Kentucky delegation, and my colleagues in the Senate, wish David good health and great happiness in the years to come.

COMMENDING DAVID E. LARKIN FOR EXCEPTIONAL SERVICE WITH THE BOY SCOUTS

Mr. FORD. Mr. President, I wanted to take just a moment to commend David E. Larkin for his extraordinary leadership, motivation and direction in the development of the Dan Beard Council, Boy Scouts of America.

Larkin has recruited, developed and motivated the Executive Board of the Dan Beard Council, BSA, representing one of the most prestigious philanthropic Youth Service Organizations in Greater Cincinnati and Northern Kentucky.

During his tenure on the council, he succeeded in improving the quality of life among the youth of that area by creating Challenge Camp, where more than 1,000 ''at risk'' youth were able to experience the cherished values of Scouting.

His imagination and creativity brought into being ''The Scout Family Jamboree,'' an event attracting some 45,000 attendees, showcasing not only Scouting, but numerous community activities and events.

Over the years, Larkin has served the greater community by enriching the relationships between the Scouts, the United Way and Community Chest, increasing both awareness and funding. He also created alliances between the Boy Scouts and the Greater Cincinnati, Northern Kentucky Schools and Educational Institutions, resulting in ''Learning for Life'' and Career Explorer programs.

His exceptional leadership and vision provided to be the catalyst for approval of a comprehensive $14.5 million Camp Re-Development Capital Campaign to construct a 25 acre lake, Cub World and Boy Scout Camp.

Larkin has provided the leadership, high standards, the means and the methods necessary to expand the Scouting program to where it now involves a record 65,000 youths and adults annually throughout Southwest Ohio and Northern Kentucky. He has dedicated his life to the concepts of duty, honor and country central to the mission of the Boy Scouts and I know that the entire community will miss his guiding force.

Mr. President, let me close by thanking David Larkin for his commitment over the years to instilling the values of this country through the Boy Scout program. I know I speak for all Kentuckians when I say that his work will be felt by generations of Boy Scouts to come. We wish your much luck in all your future endeavors.

A VERMONTER MOVES ON

Mr. LEAHY. Mr. President, I would like to take this opportunity to recognize the lifetime of service that Mary Miller has given to the state of Vermont. I have been fortunate to have had Mary in my Montpelier office, working for the people of Vermont for 17 years. Anyone involved in rural development, small business, or affordable housing has undoubtedly seen for themselves her whole-hearted commitment to these issues which are so important for our small state. Even before joining my staff Mary was working to improve the lives of her fellow Vermonters through her service to Common Cause, and as a state legislator for her home base in Rutland County.

It is difficult to put into words Mary's boundless energy, her enthusiasm—and her ability to simultaneously make Vermonters feel good about what they are doing while helping them achieve their goals. At times I have felt that members of Congress are only Constitutional impediments to our staff. Mary is a humbling case in point. I have met hundreds of thousands of Vermonters over the past 25 years. I have been to every corner of the state many times over—and it's fair to say that often more people recognize Mary than recognize me. Sometimes it is not even close.

There is no mud season too miserable, no pothole too large, and no snowfall too deep to keep Mary from meeting with Vermonters. I remember one spring in particular when she traveled for miles over muddy, rutted dirt roads to meet a small business owner who had benefitted from one of the revolving loan funds I have worked to set up around the state. As I recall, in this particular case the owner was not home, but his dog was and gave her quite a reception. He may be the only revolving loan fund recipient in the state that Mary has not met, and even his dog would recognize her.

Despite this outreach schedule, that would put many of her chronologically challenged co-workers to shame, Mary has always found time for fun. Even as she approaches the age when more conventional people are thinking about retirement, Mary is planning her next white water rafting trip.

I know I am not alone in saying that I will miss her lively presence in the office. I will miss her colorful reports on the weather which close out the daily press brief and her unflagging

support for the Red Sox. But I don't plan on letting her get away too easily—I have Mary's e-mail address and it will be well used.

Mary is not retiring, just shifting her focus to new challenges, such as the mountains yet to be climbed, rivers yet to be rafted, grandchildren yet to be born. I know that her husband Sam is looking forward to seeing more of Mary as much as I regret seeing her leave. Vermont is lucky to have had Mary to itself for all these years.

UNITED STATES-SPAIN COUNCIL

Mr. GRAHAM. Mr. President, the relationship between the United States and Spain is the oldest one in North America. Almost 500 years ago—in 1513—Spanish Explorer Ponce de Leon and his crew in search of a Fountain of Youth discovered North America. What they found was a treasure of a different kind—a land that Ponce de Leon named ''La Florida.''

In the four centuries since then, the histories of the United States and Spain have been inextricably linked. While there have been periods of estrangement and even hostility, the United States and Spain are ''natural allies.'' As we approach the end of this century, the cultural, political, and economic ties between the United States and Spain have never been stronger, nor more mutually beneficial.

This reinvigorated relationship is especially visible in the active relations, frequently in close collaboration, of Spain and the United States in Latin America.

To build on this exceptional period of positive relationship, the United States—Spain Council was formed in May 1996 by Vice President AL GORE and the President of Spain, Jose Maria Aznar. The Council was formerly established at an organizational meeting held in Toledo, Spain in November 1996. The Council established itself as a forum in which Spanish and American citizens, including leaders in government business, education, and culture could discuss the state of the United States—Spain relationship.

In April of 1997 the Chairman of the Board of Trustees of the Fundacion Consejo Espana-Estados Unidos, Mr. Jaime Carvajal and the then Chairman of the United States—Spain Council, BILL RICHARDSON, signed an agreement of the common goals regarding their intent to: promote cooperation between Spain and the United States in the economic, trade, business, scientific and cultural fields; improve knowledge about each other's country and the image of the United States in Spain and of Spain in the United States; propose to their respective governments actions aimed at developing relations between the two countries and adopt other initiatives which would contribute to the progress and growth of relations between the United States and Spanish societies.

This past October 31 through November 2, 1997 the Council met here in Washington for two and one half days and in New York for an additional day on November 3, 1997. The meeting was attended by many prominent members of the Council from both nations, which led to a candid and thought provoking discussion of the topics on our agenda.

These topics included United States—Spain Trade and Investment Analysis of Direct Investment Practices, Spanish and United States images: Origins and Reasons, Strengthening United States—Spanish Ties, the Role of Civil Society (Educational and Cultural exchanges), Intellectual Property and Internet in Spanish.

The members of the Council agreed to undertake a challenging agenda short and long objectives, all intended to advance United States and Spanish relations.

I would like to thank Vice President AL GORE, Spanish Deputy Prime Minister of the Economy and Finance, Mr. Rodrigo Rato, Spanish Minister of Foreign Affairs, Mr. Abel Matutes, and Stuart E. Eizenstat, US Under Secretary for Economic Business and Agricultural Affairs, and other distinguished presenters, for their meaningful participation in our meeting.

I also take this opportunity to thank the two Executive Directors of our Council, Ambassador Diego Asencio and his Spanish counter part, Emilio Cassinello Auban. Ambassador Asencio and his Assistant, Elia Garcia-McComie did an outstanding job of bringing together all the ingredients essential to a productive meeting.

It is important that my colleagues in the Senate and the people of the United States understand this special relationship, which is old in historical terms and yet new because it is being reinvigorated by this renewed attention to its importance. We must recognize that the United States with its growing Spanish speaking population, is a logical bridge between Latin America and Spain. We must take advantage of this moment in history to strengthen cultural and educational ties as well as promoting investment opportunities for both countries.

I ask unanimous consent that excerpts of speeches at the meeting by Vice President GORE, Mr. Rato, Mr. Eizenstat, and the entire text of Mr. Matutes' address be printed in the RECORD.

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

EXCERPTS OF REMARKS OF VICE PRESIDENT AL GORE

Thank you so much.

You know, Bob Graham is truly a national treasure. He has done so much to nurture the friendship between Spain and the United States, and has been such a leader in building a thriving new era in the affairs of our hemisphere. I am honored to be here with him today.

When President Aznar and I met last year, we looked forward to the day when a vanguard of key leaders from business and academics, politics and culture would meet to discuss issues of common concern.

What we do here today is an important new step in the evolving relationship between our peoples and our nations—a relationship that dates back hundreds of years of rich history.

Our historic ties, strong alliance and shared ideals underpin an ambitious cooperative effort in support of peace, democracy and prosperity in important areas such as the former Yugoslavia, the Middle East, Central and Eastern Europe and Latin America.

Each of you here this morning represents a specific aspect of the American-Spanish relationship—whether in diplomacy and government, business, culture, education, the media or in any of a host of other endeavors.

The variety of this group mirrors the complexity of our exchanges and drives home the point that it is in our daily business, public or private lives, that our nations' bonds are created and affirmed. Some many of the important national issues we address have international ramifications. Doing our jobs well means doing them well together.

All this, ladies and gentlemen, can be summed up in one sentence: U.S.-Spanish relations are excellent now, and poised to become even more productive in the coming years.

I applaud your work; and I salute your commitment to a new era, and a new century of friendship between Spain and the United States.

Buena Suerte, and Good Luck!

EXCERPTS OF A SPEECH BY THE SPANISH DEPUTY PRIME MINISTER AND MINISTER OF THE ECONOMY AND FINANCE, RODRIGO RATO

''THE SPANISH ECONOMY ON THE THRESHOLD OF THE EURO''

It is a great honor for me to have the chance to close this Third Spain-United States forum. Previous sessions have demonstrated the great utility of these platforms, involving a wide range of personalities from all fields, in enhancing dialog between the two countries and promoting greater tapproachment and mutual understanding.

In a globalized work such as today's, marked by freedom of exchange and the mobility of factors, ti is clear that there can be no isolated response to the problems affecting our economies. The global interrelation which surrounds us assesses the need for coordinating mechanisms which are sufficient to meet the demands of the international economy effectively and with assured success.

EMU implies for Spain an economic policy which would have to be pursued in any case (even if there were no EMU), given the challenge of globalization and competition with North America and in the Asian Pacific region. EMU represents macro-economic stability, a necessary pre-requisite in the creation of jobs.

EMU is a strategic challenge. The point of no return for the creation of EMU and for Spain's participation has been reached. For Spain, there is no strategic alternative to our full participation from the outset. EMU will not however be a panacea that will resolve all our problems with no effort on our part. Moderation of production costs, restraints of public spending and tax policies to format saving and investment are key elements to the creation of jobs.

Trade unions and employers have recently given ample evidence of their sense of responsibility in dealing with the historical challenge posed for Spain by EMU. Spanish society and the Government are certain that they will be up to the task and that social consensus will be maintained. The Government considers this social consensus to be fundamental to its economic policy strategy for stability and job creation.

As revealed by the figures and the results of the last year, the Spanish economy has shown considerable maturity, adapting and reacting positively to the changes made to its system. Spain is, at this time, an adaptable economy, increasingly flexible, and with a dynamism which I do not doubt will increase as we pursue the structural reforms under way.

EXCERPTS OF REMARKS FOR UNDER SECRETARY EIZENSTAT AT U.S.-SPAIN COUNCIL LUNCH

U.S.-SPANISH TRADE RELATIONS

It gives me great pleasure to welcome you to the State Department today. I am honored to host this event which marks the first meeting in the United States of the U.S.-Spain Council. I want especially to congratulate all those who have helped make this meeting possible. I believe this group has a vital role to play in the New Transatlantic Agenda and in building and strengthening essential contacts between our two countries.

The overall relationship between Spain and the United States can best be characterized as one of increased mutual trust and cooperation, especially during the past decade. We value Spain's commitment to strengthened transatlantic ties and desire to strengthen points of contact in many areas—political, military and economic. Spain has courageously taken a leadership role on many of the most challenging and demanding issues before Europe today—peacekeeping in Bosnia and the Middle East, development of a Mediterranean initiative, the expansion of NATO, and improved transatlantic trade. It was Spain that was most outspoken in its opposition to the undemocratic Castro regime in Cuba. Spain's leadership and initiative made it possible to create consensus among governments, the private sector and nongovernmental organizations on ways to promote democracy and freedom in Cuba.

The relationship between Spain and the United States remains a partnership between equals who agree on the basic principles that will help achieve the goal of a New Transatlantic Marketplace. This is demonstrated here today by the number of important U.S. and Spanish business and government representatives committed to continuing an honest and open dialogue on these issues.

Once again, let me welcome you to the State Department and encourage your successful collaboration.

ADDRESS BY THE MINISTER OF FOREIGN AFFAIRS MR. ABEL MATUTES

Mr. Secretary of State for Energy, Mr. Under Secretary of State for Economic Business and Agricultural Affairs, Mr. Ambassador, Chairmen of the United States-Spain Council, Ladies and Gentlemen: Today I visit Washington once again, on the occasion of the III Forum, organized by the U.S.-Spain Council, an initiative that rests on society, sponsored from the outset by the President of the Spanish Government and Vicepresident Gore, as a dynamic contribution to the cooperation between our countries. We must congratulate ourselves for the continuity this open and informal dialogue has attained, a dialogue which brings together businessmen, legislators, scholars, professionals and politicians from Spain and the U.S.

The III meeting of the Forum—the first to be held in the United States—has been preceded by two previous ones: Seville in 1995 and last year in Toledo. It is with utmost satisfaction that we Spaniards now review certain predictions made in Seville and Toledo. At the close of 1995, cautious predictions envisaged the possibility of Spain being in the first group of countries to enter the E.M.U. and inaugurate the movement towards the euro. As a conclusion to the debate on the Spanish economy, Seville's records state that: ''the Spanish economy will continue to grow relatively strongly for the next couple of years, the underlying concern being whether or not Spain will meet the Maastricht convergence criteria''. One year later, in November 1996, the Toledo report literally stated that ''the markets judge that Spain has a 70% chance of joining the E.M.U. on schedule''. Today, scarcely twelve months after these predictions, neither the economists, nor the politicians nor the markets leave any room for doubt. Spain will be on time for this crucial economic and political rendezvous, and will belong to the group of countries that will lead the E.U. into the coming millennium.

It is obvious that, as members of the E.U., political and economic convergence within the process of construction of Europe is for us of paramount importance. This does not exhaust, however, our foreign policy options. Spain can today envisage being present simultaneously in all those international scenarios, where necessary to defend its national interests. This allows me to affirm, without reservations, that the Spanish foreign policy has multiple essential goals that are perfectly compatible. In this sense, Europe does not preempt Latinamerica and even less so our concerns for the Mediterranean; convergence with the E.U. is not unreconcilable with the transatlantic common goals, bilaterally with the United States and multilaterally, within the E.U. and N.A.T.O.

In the economic field, the fact is that the intensification of our relationship with member countries of the European Union has reduced the relative weight of trade and investment between the United States and Spain. Notwithstanding, the global value of our exchanges reflects a first-class relationship with the United States. Our trade flows top the 10 billion dollar mark. The United States is our most important trade partner outside the E.U. It is clear that the balance is tilted in favor of the United States—6.5 billion dollars against 3.6 billion dollars in 1996—, compelling us to redouble the efforts to reach a more balanced export-import ratio, surmounting tariff barriers and the socalled ''equivalent effect measures''. The image factor, —or the lack thereof, rather than its shortcomings—, plays a relevant role in the Spanish exports to the United States, a fact which has drawn the Council's justified attention. The analysis of the origins and solutions to the absence of a Spanish image in the United States may well be a substantial contribution of this Washington Forum.

In turn, Spanish investment in the U.S. market is growing. With an annual volume ranging between 300 and 400 million dollars, it accounts for 5% of Spanish investments abroad. We must not forget either the decisive role played by U.S. investments in the Spanish development in terims of contributing technology innovation, occupational training and job creation in the 60's, 70's and 80's. Currently U.S. financial investments in the Spanish stock exchange are of considerable importance. Statistics show that more than 500 U.S. corporations are present today in the Spanish economy, the eighth in the world in terms of industrial output, with a G.D.P. that exceeds five hundred billion dollars, which makes Spain the top medium income country.

Many of these, import, export and investment companies are represented in the U.S.-Spain Council, and their Chairmans and CEOs are here today to participate in this III Forum. The Program for discussion of this Forum has scheduled an interesting session on ''joint ventures''. Their primary field of action is obviously in this hemisphere. The possibilities of success of these Spanish-American joint ventures, particularly in basic areas such as infrastructure, services and finance are increased by the affinity of the Spanish culture, by the fact that Spain is the first European investor in Latin America, and by the existence of a sophisticated and complex network of cooperation agreements between Spain and Latin American countries. The Latin American experience can be obviously useful in other regions and markets, be they European, mediterranean or Asian.

In short, the potential of economic interests requires both Governments to promote and encourage the transatlantic business dialogue and to increase our exchanges. The creation of the United States-Spain Council is a step in this direction. Our dual convergence with the United States, both bilaterally and as a member of the E.U., must be regarded in the framework of the New Transatlantic Agenda that President Clinton signed in Madrid and that Undersecretary of State Eizenstat referred to as ''the roadmap of our relationship into the XXI Century'', not only in the economic field, but also in the field of foreign policy and security understood in its widest sense. In this context, the Spanish Government has given proof of its willingness—which I reiterate today—of pioneering in Europe the ''habit of consultation'' in Europe, in my view the cornerstone of this New Transatlantic Agenda.

In the cultural field, our relations continue to advance, but the volume of the Spanish presence in the United States is still insufficient. Notwithstanding, our cultural heritage is among the most important in the world; the artistic creativity of the Spanish people has produced and continues to produce exceptional works; and our language is a work of art of the ancestral living and daily communication we share with 400 million people. Of these, nearly 30 million live within the borders of the United States, making this country the fifth-ranking Spanish-speaking country in the world.

Where do we then stand with regard to our cultural relations?

The answer is not as satisfactory as it could and should be, even though new means and mechanisms have been created to open significant perspectives for the increase of our cultural exchanges. We witness growing levels of cooperation in the field of education: within twelve to eighteen months there will be 2000 Spanish teachers in American high schools, two Cervantes Institutes, in addition to New York and Chicago, a greater number of privately funded scholarship programs, including post-graduate students such as Spain-U.S.A. 2000. The expectations are ambitious and we should continuously stimulate them, especially in a country where 65% of all students choose Spanish as a second language, including the daughters of both President Clinton and Vice-President Gore. New technologies and media, the promotion by audio-visual means of Spanish cultural expressions, the introduction of the Spanish language in the Internet—another subject included in the program of discussion of the III Forum—, in sum, the whole arsenal of modern communication should be used in a tightly coordinated strategy, to achieve a widespread presence of Spain in the United States, including, naturally, tourism and the healthy Mediterranean diet.

Taking all this into account, I believe that the engagement of society in this task is absolutely essential. This is why I am so pleased by the fact that the United States-Spain Council has, among its specific goals,

that of promoting our relations with the Hispanic community in the U.S. I am particularly encouraged by the fact that this will be one of the issues to be discussed in this III Forum, both in the context of education and promotion of people to people links as well as from the perspective of image and mutual understanding. In fact, the U.S.-Spain Council which owes much of its existence to the talent and the perseverance of Ambassador Bill Richardson is, in itself, a good example of the special predisposition that Spaniards and Hispanics share to understand each other.

Finally, I would like to make reference to the third convergence that makes our relationship unique: the security and defense issues, the military component of the Spanish-American ties. Historically, Spain has evolved from contributing to the struggle for American independence 200 years ago, to its accession to the Washington Treaty in 1982 and common membership in N.A.T.O. It can even be said that, since 1975, the major change in our growing exchanges with the American Government and society has been a progressive reduction of the military issue in the relationship as a whole. We are no longer primarily a military ally, as we have become above all a partner in the International Community, engaging in excellent and extensive political, economic and cultural relations, that do not, however, exclude the security and defense link.

The N.A.T.O. Summit held in Madrid last July, was a crucial moment in the design of a new post-Cold War N.A.T.O., both in its internal renovation and its external adaptation. Spain and the United States share a common view in practically all issues: the new design of the command structure; the development of the European Identity in Security and Defense, involving the effective participation of the W.E.U.; the full support to the new Council of Euro-Atlantic Association; the enlargement understood as a historical challenge that demands an undeferable response and as a evolving process that began with three countries but has been left open to the future; the full support to the new Council of the Euro-Atlantic Association; the N.A.T.O. Russia cooperation, and the special relationship with the Ukraine; the strengthening of the Mediterranean dialogue, and the creation of a Group for Cooperation in the Mediterranean.

Consequently, we have arrived at a juncture in which we feel that the transformation of the current model of our presence in the renewed Alliance, and our entrance in the new command structure is deemed advisable. We believe that the necessary adjustments are practically concluded, in a conceptual design that is acceptable both to Spain and to the Other N.A.T.O. partners. We trust that this decision will be formalised next December, without undue interference from any extraneous bilateral dissension, foreign to the Alliance, which ought to be solved in other fora.

Ladies and Gentleman;

Our world is irrevocably and unquestionably different. Globalization—of markets, of finance, of technology, of challenges—is not an option but a reality. International relations are predominantly multilateral; the expansion of democracy can be demonstrated; the proliferation of new conflicts within states, rather than between states, is a proven fact and an unfortunate truth,; and the revolution in communications and information technology is the result of the most significant and drastic technological changes since the Industrial Revolution.

And within such complex and changing framework, that is so contradictory in its inequalities and its fortunes, it seems appropriate that as Minister of Foreign Affairs of Spain I encourage the United States to continue to be the most visible international spokesman in favour of stability, sustainable development, peace and security. This is not a responsibility that must be carried out alone. Europe must participate since we share a common world, since the United States is a European country and Europe is an Atlantic Continent. This is Spain's understanding which has been postulated numerous times over the last years. The United States can rest assured that in the conflict-stricken scenarios of the world and in the daily life of the international community, it will always find a Spaniard striving towards peaceful co-existence, democracy and the rule of law.

This does not imply that no differences exist between the policies of both and countries, or that we will not encounter situations in which, while agreeing on the goals, we dissent on the means. In such a complex and vital relationship, perpetual consensus or systematic unanimity are unattainable. It is in exploring doubts and in the search for alternatives, that the intelligence of thought is expressed. On occasion's, this is the only manner in which partner of good faith can effectively help one another, in a relationship as plural and conditioned by the World's diversity as ours.

I would like to end by congratulating, once again, the U.S.-Spain Council for having maintained this initiative and the continuity of its meeting. The ambitious originality and imagination of its members allows us to harbour great expectations about their practical proposals which we shall listen to with great attention.

TRIBUTE TO REV. WALTER J. KEISKER

Mr. ASCHROFT. Mr. President, I rise today to recognize a tremendous individual who exemplifies citizenship, character, and service to humanity, Rev. Walter J. Keisker.

On November 12, 1997, the Lutheran Family and Children Services [LFCS] of southeast Missouri will host The Second Annual Walter J. Keisker Dinner. I commend LFCS staff for their foresight in choosing Reverend Keisker to lead their mission. As our Nation looks increasingly for moral guidance in an era of moral decay, Reverend Keisker's example provides inspiration for others to follow in building family life.

Anyone ever associated with Reverend Keisker knows of his unique spirit and tenacity which has brought about a rich lifetime of accomplishments. This special servant of God and man was bestowed a honorary degree of doctor of divinity in 1993 by Concordia Seminary in St. Louis. Reverend Keisker generously gives his time to the Boy Scouts, Ministerial Alliance, Chamber of Commerce, and Historical Society. His dedication is an enduring example of service, integrity, faithfulness, and love in the highest and best spirit of American citizenship.

From Matthew, Chapter 25, Verse 21, ''Well done, my good and faithful servant!'' With God's blessing, and the benevolent commitment of Rev. Walter J. Keisker as a guiding light, the lutheran family and children's services will continue to be successful in building a stronger family life.

CONGRATULATIONS TO EDITH BARCOMB CELEBRATING HER 88TH BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Edith Barcomb of Springfield, MO, who will celebrate her 88th birthday on November 26. Edith is a truly remarkable individual. She has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Edith's life has meant much more, however, to the many relatives and friends whose lives she has touched over the last 88 years.

Edith's celebration of 88 years of life is a testament to me and all Missourians. Her achievements are significant and deserve to be recognized. I would like to join Edith's many friends and relatives in wishing her health and happiness in the future.

1997: A BANNER YEAR OF WORK FOR SENATE FOREIGN RELATIONS COMMITTEE

Mr. HELMS. Mr. President, this past week, the Senate Foreign Relations Committee held its final business meeting of the 1st session of the 105th Congress. At that meeting, the committee approved 50 nominations as well as three pieces of legislation. This was the culmination of an ambitious 1997 agenda which included 97 committee meetings—the first on January 8 when the committee convened to consider the nomination of Madeleine Albright to be Secretary of State.

With this past week's business meeting, the committee had approved and sent to the Senate, in 1997, 119 nominations, approved 1,004 Foreign Service promotions and reported out 37 pieces of legislation, while approving 15 treaties. Among the nominations were the Secretary of State, numerous Assistant Secretaries of State, and Ambassadors to the United Nations, Canada, the United Kingdom, Japan, Greece, Korea, Israel, and Egypt.

But this, Mr. President, does not begin to tell the full story. Thanks to the able members of the committee staff, hard work of the committee members—the subcommittee chairmen and ranking members—and thanks to the bipartisan spirit which we, all of us, have worked to establish, we have—all of us together—succeeded, in the opinion of, at least, two former Secretaries of State, in returning the Foreign Relations Committee to top-drawer relevancy for the first time in decades. I believe it is fair to say that, thanks to the joint efforts of so many, the committee is today a force to be reckoned with in terms of U.S. foreign policy.

Mr. President, the most concrete evidence of this rejuvenation came in May and June, when the committee wrote and approved sweeping bipartisan legislation to reorganize and revitalize the

U.S. foreign policy apparatus, and reform the United Nations. This bill passed the Senate by an overwhelming 90 to 5 vote stipulating the abolishment of two antiquated temporary Federal agencies—the U.S. Information Agency and the Arms Control and Disarmament Agency—and brings another—the Agency for International Development—under the authority of the Secretary of State.

And, just as importantly, it strikes a grand bargain regarding the United Nations, paying $819 million in so-called U.S. arrears in exchange for deep-seated and meaningful U.N. reforms.

In addition, since the August recess, the full committee, and its various subcommittees, have convened literally dozens of hearings on a wide range of foreign policy matters. During the fall months, the committee began hearings on what will surely be next year's most important foreign policy debate: The expansion of the NATO alliance.

The committee has already held six hearings—beginning with testimony from Secretary of State Albright—hearings which I believe will have a real impact in ensuring not only that NATO expansion is approved by the Senate next spring, but that the plan presented to the Senate for its advice and consent is done the right way, taking into account the legitimate concerns various Senators have presented.

It is difficult for me to express in any adequate way my gratitude to the members of this committee for all their efforts this past year. The chairmen and ranking members of the various subcommittees have done splendid work in the consideration of all the nominations, the bilateral tax treaties that are so important to American industry, and to hold oversight hearings on so many important matters.

It is because of their work—not Senator BIDEN's nor mine—that this committee has been restored to the world stage as an important player in American foreign policy. I am proud of them and, it has been a privilege to serve with them on the Foreign Relations Committee.

JUDGE IN MINNESOTA BLOCKS CLASS I DIFFERENTIALS

Mr. JEFFORDS. Mr. President, this week Senator LEAHY and I addressed the Senate about our concerns and disappointment with the recent order by the U.S. District Court of Minnesota which enjoined the Secretary of Agriculture from enforcing class I differentials in 28 of the current 33 Federal milk marketing orders. If the November 3, 1997, ruling stands, it will throw the entire milk pricing system into chaos threatening the continued existence of thousands of dairy farms nationwide.

Mr. President, it is imperative that Secretary Glickman move immediately to seek a stay and file an appeal to the court's decision. I am joining several of my colleagues in a letter to Secretary Glickman to formally request that the U.S. Department of Agriculture appeal the decision. I urge others to contact Secretary Glickman to recommend that he act swiftly in this request as well.

Mr. President, I ask unanimous consent that a copy of the letter being sent to Secretary Glickman appear in the RECORD.

This ruling should not impact the current reforms of the Federal milk marketing orders with respect to the basic formula price and class I differentials. It is important that the Department of Agriculture continue to use sound public policy in determining a pricing structure that is in the best interest of dairy farmers and consumers alike. Both the Senate and the House of Representatives have expressed in overwhelming fashion to the Secretary of Agriculture the support and importance of maintaining our class I differentials. Recently, 48 Senators wrote to Secretary Glickman supporting class I differentials and endorsing the Department's option 1–A proposal.

Mr. President, I ask unanimous consent that the letter of October 10, 1997, regarding overwhelming support for option 1–A appear in the RECORD.

Mr. President, those of us who value dairying in our States should recognize the dangerous precedent of this ruling. The success of an appeal to overturn in this case is of vital importance to the survival of dairy farmers across this Nation.

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

U.S. SENATE,
Washington, DC, November 10, 1997.

Hon. DAN GLICKMAN,
Secretary, U.S. Department of Agriculture, Washington, DC.

DEAR SECRETARY GLICKMAN: Considering the recent district court decision out of Minnesota, we want to reconfirm our views on milk marketing orders and strongly recommend that the USDA seek a stay and appeal the decision.

In reviewing the various options for the pricing of Class 1 fluid milk, it is still our view that Option 1–A is the most viable and economically sound approach to the future pricing of fluid milk.

Last month forty-eight Senators and one hundred and thirteen Members of the House of Representatives indicated to you that Option 1–A reflects good public policy necessary for effective milk marketing order reform. Our support for Option 1–A is based upon a number of important factors:

It recognizes the transportation costs involved in moving fluid milk from the farm to the consumer.

It takes into account the importance of balancing the supply and demand for milk, ensuring adequate production to meet all fluid milk needs.

It recognizes the costs of producing and marketing milk and, therefore, does not inflict economic hardship on dairy producers in any one region to benefit others.

It is sensitive to the need for attracting supplemental milk supplies to regions of the country that occasionally face production deficits.

These are some of the reasons that most of the dairy producing regions of the country support Option 1–A for the regional pricing differentials for fluid milk.

Under the November 3, 1997, court decision in *Minnesota Milk Producers, et al.* v. *Dan Glickman*, the Secretary of Agriculture would be required to end the Class I differentials in the milk marketing order system. If this decision stands, it will throw the entire milk system into chaos threatening the continued existence of thousands of dairy farms nationwide.

Appealing the court's ruling is in the best interest of milk producers and consumers across the country.

We look forward to your comments and to working closely with you on the federal order reform process.

Sincerely,

JIM M. JEFFORDS.

U.S. SENATE,
Washington, DC, October 10, 1997.

Hon. DAN GLICKMAN,
Secretary, U.S. Department of Agriculture, Washington, DC.

DEAR SECRETARY GLICKMAN: In reviewing the various options for the pricing of Class 1 fluid milk, it is clear that Option 1–A is the most viable and economically sound approach to the future pricing of fluid milk.

Option 1–A reflects good public policy necessary for effective milk marketing order reform. Our support for Option 1–A is based upon a number of important factors: It recognizes the transportation costs involved in moving fluid milk from the farm to the consumer; it takes into account the importance of balancing the supply and demand for milk, ensuring adequate production to meet all fluid milk needs; it recognizes the costs of producing and marketing milk and, therefore, does not inflict economic hardship on dairy producers in any one region to benefit others; and it is sensitive to the need for attracting supplemental milk supplies to regions of the country that occasionally face production deficits.

These are some of the reasons that most of the dairy producing regions of the country support Option I–A for the regional pricing differentials for fluid milk.

As part of the reforms to the Basic Formula Price (BFP), we urge the Department to seriously consider partially ''decoupling'' fluid milk prices from the volatile cheese-based pricing system that has resulted in wide fluctuations in milk prices.

This pricing system has dramatically reduced farm milk prices and has left permanently high consumer prices. In our view, maintaining price stability is an extremely important order reform goal for both dairy farmers and consumers.

We look forward to your comments and in working closely with you on the federal order reform process.

Sincerely,

James M. Jeffords; Patrick Leahy; Susan Collins; Lauch Faircloth; Chris Dodd; Bob Graham; Alfonse D'Amato; Joe Biden; Mary L. Landrieu; Bill Roth; John Breaux; Jesse Helms; Jeff Bingaman; John F. Kerry; Tim Hutchinson; Max Cleland.

Connie Mack; Daniel P. Moynihan; John H. Chafee; Patty Murray; Joe Lieberman; Edward Kennedy; Larry E. Craig; Charles Robb; Paul Coverdell; Barbara A. Mikulski; Ron Wyden; Richard Shelby; Pete V. Domenici; Mitch McConnell; Jack Reed; Jeff Sessions.

Ernest Hollings; Olympia Snowe; Strom Thurmond; John W. Warner; Dale Bumpers; Bob Smith; Slade Gorton; Christopher Bond; Thad Cochran; Rick Santorum; Arlen Specter; John Glenn; Dirk Kempthorne; Mike DeWine; Judd Gregg; Paul S. Sarbanes.

MESSAGES FROM THE HOUSE

At 6:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 714. An act to extend and improve the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs, to extend certain authorities of the Secretary of Veterans Affairs relating to services for homeless veterans, to extend certain other authorities of the Secretary, and for other purposes.

The message also announced that the House agrees to the Senate amendment to the House amendment to the bill (S. 1139) to reauthorize the programs of the Small Business Administration, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2513. An act to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives, and for other purposes.

H.R. 2614. An act to improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, to ensure that children can read well and independently not later than third grade, and for other purposes.

H.R. 2813. An act to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict.

At 7:57 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 104. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 104. Joint Resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

The enrolled joint resolution was signed subsequently by the Acting President pro tempore [Mr. ENZI].

ENROLLED BILLS SIGNED

At 8:50 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 813. An act to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

S. 1377. An act to amend the act incorporating the American Legion to make a technical correction.

H.R. 1747. An act to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.

The enrolled bills were signed subsequently by the Acting President pro tempore [Mr. ENZI].

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2614. An act to improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, to ensure that children can read well and independently not later than third grade, and for other purposes; to the Committee on Labor and Human Resources.

Pursuant to the order of the Senate of November 9, 1997, the following bill was referred to the Committee on Commerce, Science, and Transportation for the consideration of matters within its jurisdiction for a period not to exceed 10 calendar days:

S. 1216. A bill to approve and implement the OECD Shipbuilding Trade Agreement.

Pursuant to the order of the Senate of November 9, 1997, the following bill was discharged from the Committee on Commerce, Science, and Transportation and referred to the Committee on Finance:

S. 629. A bill entitled the ''OECD Shipbuilding Agreement Act.''

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 2513. An act to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 1271. A bill to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes (Rept. No. 105–152).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TORRICELLI:

S. 1493. A bill to amend section 485(f)(1)(F) of the Higher Education Act of 1965 to provide for the disclosure of all criminal incidents that manifest evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, or disability; to the Committee on Labor and Human Resources.

By Mr. MACK (for himself, Mr. LEVIN, Mr. THURMOND, Mr. GRAHAM, and Mr. KYL):

S. 1494. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (by request):

S. 1495. A bill to amend section 7703 of title 5, United States Code, to strengthen the ability of the Office of Personnel Management to obtain judicial review to protect the merit system, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DASCHLE:

S. 1496. A bill to remove inequities between Congressional and contract employees regarding access to health insurance; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG:

S. 1497. A bill to release contributors of ordinary trash and minor amounts of hazardous substances from litigation under Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DORGAN (for himself, Mr. LAUTENBERG, Mr. BUMPERS, Mr. CONRAD, and Mr. WELLSTONE):

S. 1498. A bill to require States to adopt laws prohibiting open alcoholic containers in automobiles; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 1499. A bill to amend the title XXVII of the Public Health Service Act and other laws to assure the rights of enrollees under managed care plans; to the Committee on Labor and Human Resources.

By Mr. AKAKA:

S. 1500. A bill to amend the Hawaii Tropical Forest Recovery Act to establish voluntary standards for certifying forest products cultivated, harvested, and processed in tropical environments in Hawaii and to grant a certification for Hawaii tropical forest products that meet the voluntary standards, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS:

S. 1501. A bill to amend the Employee Retirement Income Security Act of 1974 to improve protection for workers in multiemployer pension plans; to the Committee on Labor and Human Resources.

By Mr. COATS (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. GREGG, and Ms. LANDRIEU):

S. 1502. A bill entitled the ''District of Columbia Student Opportunity Scholarship Act of 1997''; considered and passed.

By Mr. WELLSTONE:

S. 1503. A bill to protect the voting rights of homeless citizens; to the Committee on Rules and Administration.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. KENNEDY, Mr. ABRAHAM, and Ms. MOSELEY-BRAUN):

S. 1504. A bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. JEFFORDS:

S. 1505. A bill to make technical and conforming amendments to the Museum and Library Services, and for other purposes; considered and passed.

By Mr. MCCAIN (for himself, Mr. BRYAN, and Mr. ROTH):

S. 1506. A bill to amend the Professional Boxing Safety Act (P.L. 104-272); considered and passed.

By Mr. THURMOND:

S. 1507. A bill to amend the National Defense Authorization Act for Fiscal Year 1998 to amake certain technical corrections; considered and passed.

By Mr. LOTT (for himself, Mr. DASCHLE, and Mr. WARNER):

S. 1508. A bill to authorize the Architect of the Capitol to construct a Capitol Visitor Center under the direction of the United States Preservation Commission, and for other purposes; to the Committee on Rules and Administration.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1509. A bill to authorize the Bureau of Land Management to use vegetion sales contracts in managing land at Fort Stanton and certain nearby acquired land along the Rio Bonita in Lincoln County, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1510. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 1511. A bill to amend section 3165 of the National Defense Authorization Act for Fiscal Year 1998 to clarify the authority in the section; considered and passed.

By Mr. LAUTENBERG (for himself, Mr. D'AMATO, Mr. MOYNIHAN, and Mr. TORRICELLI):

S. 1512. A bill to amend section 659 of title 18, United States Code; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE:

S. Res. 150. A resolution to express the sense of the Senate that if a new $1 coin is minted, the Secretary of the Treasury should be authorized to mint and circulate $1 coins bearing a likeness of Margaret Chase Smith; to the Committee on Labor and Human Resources.

By Mr. WARNER (for himself and Mr. FORD):

S. Res. 151. A resolution to amend the Standing Rules, of the Senate to require the Committee on Rules and Administration to develop, implement, update as necessary a strategic planning process for the functional and technical infrastructure support of the Senate; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 152. A resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in City of New York, et al. v. William Clinton, et al., and related cases; considered and agreed to.

S. Res. 153. A resolution to authorize production of Senate documents and representation by Senate Legal Counsel in the of Sherry Yvonne Moore v. Capitol Guide Board; considered and agreed to.

S. Res. 154. A resolution to authorize representation by Senate Legal Counsel; considered and agreed to.

By Mrs. HUTCHISON (for herself, Mrs. MURRAY, Ms. SNOWE, Mrs. FEINSTEIN, Mrs. BOXER, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Ms. COLLINS):

S. Con. Res. 67. A concurrent resolution expressing the sense of Congress that the museum entitled ''The Women's Museum: An Institute for the Future''' in Dallas, Texas, be designated as millennium project for the United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI:

S. 1493. A bill to amend section 485(f)(1)(F) of the Higher Education Act of 1965 to provide for the disclosure of all criminal incidents that manifest evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, or disability; to the Committee on Labor and Human Resources.

THE CAMPUS HATE CRIMES RIGHT TO KNOW ACT

Mr. TORRICELLI. Mr. President, every year, over 14 million students and their parents agonize over where to attend college. They spend months researching schools and visiting campuses in an effort to find the perfect fit. At the top of the list of characteristics students and their parents look for in a school is a safe learning environment. Information is the key to choosing such an environment. Under current law, students and their parents do not have access to all the information necessary to make an informed choice.

Current law requires colleges and universities to report statistics on crimes that occur on their campuses. However, colleges are only required to report those hate crimes that result in murder, rape, or aggravated assault. These three categories of crimes only represent 16 percent of the total number of hate crimes that occur on college campuses every year. Vandalism, harassment, and simple assault comprise the vast majority of hate crimes. Under current law, however, colleges are not required to report these crimes.

Current law also does not require colleges and universities to report hate crimes against women and the disabled. Thus, parents of daughters or disabled students have no idea whether the college to which they will send their children is safe.

Students and parents have the right to information about all hate crimes committed on their prospective college campuses. My bill, the Campus Hate Crimes Right to Know Act of 1997, will ensure that they have access to that information.

The Campus Hate Crimes Right to Know Act does two very important things: it expands college reporting requirements to include all hate crimes, not just those that result in murder, rape and aggravated assault; and, it includes gender and disability in the class protected by the reporting requirement. Under current law, colleges need only report hate crimes motivated by race, religion, sexual orientation, and ethnicity. My bill will cover these four categories plus gender and disability.

Our Nation's college campuses should be a refuge from crime, particularly heinous attacks motivated by hatred and bigotry. The disturbing truth, however, is that college campuses are often fertile ground for bigotry. A recent study done by the Maryland Prejudice Institute reported that 25 percent of minority college students attending predominantly white colleges have been victimized by hate. In 1996, 90 incidents of anti-Semitic activity on college campuses were reported to the Anti-Defamation League.

In September 1996, 60 Asian-American college students at a California university received threats from another student via e-mail messages threatening that all Asian-Americans would be hunted and killed. Under current law, this offense would not appear on a campus crime report.

The Campus Hate Crimes Right to Know Act will provide students and their parents with vital information so that they may better protect themselves against such crimes. It will also encourage college officials to raise awareness about these crimes and develop programs and strategies to combat them.

The damage done by hate crimes goes beyond physical injury. Hate crimes, whether they take the form of painting a swastika on someone's dorm room door or gang beating a student believed to be gay, leave the victim feeling fearful, vulnerable, and isolated.

Our children are our future. Their college years are among the most exciting and formative of their lives. By introducing the Campus Hate Crimes Right to Know Act of 1997, I hope to empower students and parents with all of the information necessary to ensure that those years are as safe as possible.

Mr. President, I ask unanimous consent at this time that the text of the Campus Hate Crimes Right to Know Act of 1997, in its entirety, be printed in the RECORD.

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

S. 1493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISCLOSURE.

(a) SHORT TITLE.—This section may be cited as the ''Campus Hate Crimes Right to Know Act of 1997''.

(b) FINDINGS.—Congress finds that—

(1) the incidence of violence on college campuses based on race, gender, religion, sexual orientation, ethnicity, or disability poses a serious national problem;

(2) such violence disrupts the tranquility and safety of campuses and is deeply divisive;

(3) hate crimes include crimes in which the perpetrator intentionally selects a victim because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim;

(4) existing Federal reporting requirements only require colleges and universities to report hate crimes that result in murder, rape, or aggravated assault;

(5) existing reporting requirements are inadequate to deal with the problem of hate

crimes since the vast majority of hate crimes that occur on college campuses do not result in murder, rape, or aggravated assault;

(6) existing reporting requirements are inadequate because the requirements do not require colleges and universities to report hate crimes that target victims because of the victims' gender or disability;

(7) omitting certain hate crimes from official campus crime reports may result in a false sense of security among students and apathy from campus officials;

(8) omitting certain hate crimes from official campus crime reports deprives students and parents of the students of vital information necessary to protect the students against such crimes and to make informed decisions in choosing a college or university;

(9) requiring postsecondary institutions to report all hate crimes that occur on their campuses will provide students and parents of the students with vital information so that the students may better protect themselves against such crimes; and

(10) requiring postsecondary institutions to report all hate crimes that occur on their campuses will encourage college officials to raise awareness about such crimes and develop programs and strategies to combat such crimes.

(c) AMENDMENT.—Section 485(f)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)(F) is amended—

(1) by redesignation clauses (i) through (vi) as subclauses (I) through (VI), respectively;

(2) by striking ''Statistics'' and inserting ''(i) Statistics''; and

(3) by adding at the end the following:

''(ii) Statistics concerning the occurrence on campus, during the most recent calendar year, and during the 2 preceding calendar years for which data are available, of all criminal incidents that manifest evidence of prejudice based on actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability that are reported to campus security authorities or local police agencies. The statistics shall be collected and reported according to category of prejudice.''.

By Mr. LEVIN (by request):

S. 1495. A bill to amend section 7703 of title 5, United States Code, to strengthen the ability of the Office of Personnel Management to obtain judicial review to protect the merit system, and for other purposes; to the Committee on Governmental Affairs.

THE MERIT SYSTEM PROTECTION ACT OF 1997

Mr. LEVIN. Mr. President, as the ranking member of the International Security, Proliferation, and Federal Services Subcommittee of the Governmental Affairs Committee, the subcommittee having jurisdiction over civil service issues, I am introducing today, at the request of the administration, legislation that would make two changes to the Civil Service Reform Act of 1978. I introduce this legislation as a courtesy to the administration without taking a position on its merits so that it can be given proper consideration and so that concerned parties can have the opportunity to comment on its potential effects.

The two changes to the Civil Service Reform Act relate to the authority of the Office of Personnel Management [OPM] to seek judicial review of Federal personnel management decisions issued by the Merit Systems Protection Board [MSPB] and by arbitrators. The first change would allow OPM 60 days, rather than the 30 days under current law, to file a petition for review of an MSPB final decision with the U.S. Court of Appeals for the Federal Circuit. The time available for employees to appeal would not be affected by this change.

The second change would eliminate the discretion of the Federal circuit to decide whether to hear OPM petitions for review. Currently, OPM must file a petition with the Federal circuit and ask the court to hear its appeal. If enacted, this change would require the Federal circuit to hear every appeal from a final MSPB decision brought by OPM.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 1495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MERIT SYSTEM JUDICIAL REVIEW.

Section 7703 of title 5, United States Code, is amended—

(1) in subsection (b)(1) by striking ''provision of law,'' and inserting ''provision of law except subsection (d),''; and

(2) in subsection (d)—

(A) in the first sentence, by inserting after ''filing'' the following: '', within 60 days after the date the Director received notice of the final order or decision of the board,''; and

(B) by striking the last sentence.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on the date of enactment of this Act, and apply to any suit, action, or other administrative or judicial proceeding pending on such date or commenced on or after such date.

SECTION-BY-SECTION ANALYSIS

Section 1 would eliminate the discretion of the Federal Circuit to decide whether to hear OPM petitions for review. Currently, OPM must file a petition with the Federal Circuit and ask the Court to hear its appeal. This section requires the Federal Circuit to hear every appeal from a final MSPB decision brought by OPM.

Section 2 would allow OPM 60 days, rather than the 30 days under current law, to file a petition for review of an MSPB final decision with the United States Court of Appeals for the Federal Circuit. The time available for employees to appeal would not be affected by this change.

By Mr. DASCHLE:

S. 1496. A bill to remove inequities between Congressional and contract employees regarding access to health insurance; to the Committee on Governmental Affairs.

THE CONGRESSIONAL CONTRACTOR HEALTH INSURANCE EQUITY ACT

Mr. DASCHLE. Mr. President, today I am reintroducing legislation to provide employees of congressional contractors the same access to health coverage as other congressional workers. This bill should have passed last year, when I was thwarted in an effort to pass this measure as an amendment to the Treasury-Postal Appropriations bill.

Instead, another 12 months have gone by in which workers in this very building lack health insurance while you and I and our staffs have access to a wide variety of subsidized health plans.

In fact, about 1,900 employees of companies that contract with the Federal Government do not have employer-sponsored health insurance. Efforts to privatize even more services previously performed by Federal Government workers will exacerbate this situation.

Who are these contractors? They include House restaurant and mailroom staff, electronics technicians, day care providers, accountants, data processors, and construction and maintenance workers.

They are like you and me and others with whom we work side-by-side in the Halls of the Congress, except they don't have the kind of health security we take for granted.

As we devise new ways to extend health coverage to uninsured children and workers between jobs, how can we in Congress allow individuals who prepare our meals, repair our equipment, maintain our buildings, and care for our children go without the same coverage that we provide our staff?

In good conscience, we can't.

That's why I am introducing a bill that would require firms that contract with Congress to offer insurance to their employees. This requirement would apply to firms that employ 15 or more workers, and that have Federal contracts worth over $75,000.

These contractors could buy a private health plan, or they could select a plan from FEHBP. In either case, they would be required to contribute to employees' premiums, just as the Federal Government contributes to its workers' coverage.

This would ensure that everyone working full-time for Congress has access to high quality, comprehensive coverage.

This kind of action is not without precedent.

Several years ago, concern about high turnover among Senate daycare employees led the Senate to give these contract workers FEHBP coverage.

And Congress has a long history of taking action to guarantee fair working conditions for contract workers. For 65 years, the Davis-Bacon Act and other similar measures have guaranteed competitive wages to Federal contract workers.

This bill complements those efforts.

But passing of this measure is not just a humane gesture. It is a practical one.

Health costs for uninsured workers who become ill are simply shifted onto others. They are shifted onto public programs like Medicaid; to doctors and hospitals in the form of charity care; and into the premiums paid by those with access to private coverage.

Clearly, we're all paying, one way or another, for those who have no insurance. And we're paying more than necessary. The uninsured often forgo preventive care and early intervention only to end up in an emergency room or hospital bed instead.

Congress should not tolerate this kind of inefficient cost shifting. We should be setting an example for the rest of the Government and the private sector.

Some may say this measure will reduce the cost savings from privatization. I believe Congress should contract out services performed more efficiently by the private sector. But reducing benefits like health coverage to save money is penny wise and pound foolish. And even if outsourcing is the wave of the future, Congress should set an example by protecting rights and benefits of those caught in the transition.

Cutting costs by cutting benefits may be easy, but it's not efficient, and it's not responsible. Congress should not save money by denying workers a basic benefit.

For many years now, Members of Congress have spoken on the floor about the need to extend coverage to the uninsured. We all recognize there can be no financial security without health security.

Let's show the country that what is good for Members of Congress and their employees is also good for the contractors who serve us.

I hope my colleagues will join me in support of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Congressional Contractor Health Insurance Equity Act''.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) CONTRACT.—The term ''contract'' means any contract for items or services or any lease of Government property (including any subcontract of such contract or any sublease of such lease)—

(A) the consideration with respect to which is greater than $75,000 per year,

''(B) with respect to a contract for services, requires at least 1000 hours of services, and

(B) entered into between any entity or instrumentality of the legislative branch of the Federal Government and any individual or entity employing at least 15 full-time employees.

(2) EMPLOYEE.—The term ''employee'' has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(6)).

(3) ENTITY OF THE LEGISLATIVE BRANCH.—The term ''entity of the legislative branch'' includes the following:

(A) The House of Representatives.

(B) The Senate.

(C) The Capitol Guide Service.

(D) The Capitol Police.

(E) The Congressional Budget Office.

(F) The Office of the Architect of the Capitol.

(G) The Office of the Attending Physician.

(H) The Office of Compliance.

(4) GROUP HEALTH PLAN.—The term ''group health plan'' means any plan or arrangement which provides, or pays the cost of, health benefits that are actuarially equivalent to the benefits provided under the standard option service benefit plan offered under chapter 89 of title 5, United States Code.

(5) INSTRUMENTALITY OF THE LEGISLATIVE BRANCH.—The term ''instrumentality of the legislative branch'' means the following:

(A) The General Accounting Office.

(B) The Government Printing Office.

(C) The Library of Congress.

SEC. 3. GENERAL REQUIREMENTS CONCERNING CONTRACTS COVERED UNDER THIS ACT.

(a) IN GENERAL.—Any contract made or entered into by any entity or instrumentality of the legislative branch of the Federal Government shall contain provisions that require that—

(1) all persons employed by the contractor in the performance of the contract or at the location of the leasehold be offered health insurance coverage under a group health plan; and

(2) with respect to the premiums for such plan with respect to each employee—

(A) the contractor pay a percentage equal to the average Government contribution required under section 8906 of title 5, United States Code, for health insurance coverage provided under chapter 89 of such title; and

(B) the employee pay the remainder of such premiums.

(b) OPTION TO PURCHASE.—

(1) IN GENERAL.—Notwithstanding section 8914 of title 5, United States Code, a contractor to which subsection (a) applies that does not offer health insurance coverage under a group health plan to its employees on the date on which the contract is to take effect, may obtain any health benefits plan offered under chapter 89 of title 5, United States Code, for all persons employed by the contractor in the performance of the contract or at the location of the leasehold. Any contractor that exercises the option to purchase such coverage shall make any Government contributions required for such coverage under section 8906 of title 5, United States Code, with the employee paying the contribution required for such coverage for Federal employees.

(2) CALCULATION OF AMOUNT OF PREMIUMS.—Subject to paragraph (3)(B), the Director of the Office of Personnel Management shall calculate the amount of premiums for health benefits plans made available to contractor employees under paragraph (1) separately from Federal employees and annuitants enrolled in such plans.

(3) REVIEW BY OFFICE OF PERSONNEL MANAGEMENT.—

(A) ANNUAL REVIEW.—The Director of the Office of Personnel Management shall review at the end of each calendar year whether the nonapplication of paragraph (2) would result in higher adverse selection, risk segmentation in, or a substantial increase in premiums for such health benefits plans. Such review shall include a study by the Director of the health care utilization and risks of contractor employees. The Director shall submit a report to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate which shall contain the results of such review.

(B) NONAPPLICATION OF PARAGRAPH (2).—Beginning in the calendar year following a certification by the Director of the Office of Personnel Management under subparagraph (A) that the nonapplication of paragraph (2) will not result in higher adverse selection, risk segmentation in, or a substantial increase in premiums for such health benefits plans, paragraph (2) shall not apply.

(4) REQUIREMENT OF OPM.—The Director of the Office of Personnel Management shall take such actions as are appropriate to enable a contractor described in paragraph (1) to obtain the health insurance described in such paragraph.

(c) ADMINISTRATIVE FUNCTIONS.—

(1) IN GENERAL.—The office within the entity or instrumentality of the legislative branch of the Federal Government which administers the health benefits plans for Federal employees of such entity or instrumentality shall perform such tasks with respect to plan coverage purchased under subsection (b) by contractors with contracts with such entity or instrumentality.

(2) WAIVER AUTHORITY.—Waiver of the requirements of this Act may be made by such office upon application.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall apply with respect to contracts executed, modified, or renewed on or after January 1, 1998.

(b) TERMINATION.—

(1) IN GENERAL.—This Act shall not apply on and after October 1, 2002.

(2) TRANSITION RULE.—In the case of any contract under which, pursuant to this Act, health insurance coverage is provided for calendar year 2002, the contractor and the employees shall, notwithstanding section 3(a)(2), pay 1⅓ of the otherwise required monthly premium for such coverage in monthly installments during the period beginning on January 1, 2002, and ending before October 1, 2002.

By Mr. LAUTENBERG:

S. 1497. A bill to release contributors of ordinary trash and minor amounts of hazardous substances from litigation under Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Environment and Public Works.

THE EQUITY AND PUBLIC INVOLVEMENT IN SUPERFUND ACT OF 1997

Mr. LAUTENBERG. Mr. President, today I am introducing the Equity and Public Involvement in Superfund Act of 1997 [TEPI].

Hazardous sites, the legacy of our industrial growth, litter the landscape across America. Many of those sites are toxic and pose real threats to the groundwater, the air and our water, and accordingly, our health and the health of the environment. The worst of those sites are so foul and so polluted that they are beyond the capacity of most States to handle. These sites, placed on the national priorities list for clean up under the Comprehensive Environmental Response Compensation, and Liability Act commonly known as Superfund can take years to clean up and cost tens of millions of dollars to clean up. They are ticking time bombs that threaten the health and survival of entire communities.

Over the years the hazardous waste clean up program has been heavily criticized as being too slow, involving too much litigation and too expensive. Congress addressed many of those problems in 1986, and Administrator Carol

Browner of the Environmental Protection Agency [EPA] has instituted many reforms to speed up the cleanup program. The results are dramatic. EPA has completed cleanup construction at 498 sites and more than 500 additional sites are in construction. Taxpayers have saved $12 billion because polluters responsible for these sites are performing or funding approximately 70 percent of Superfund long-term cleanups. But, problems remain, partly because big corporate polluters are using the present law to drag tiny merchants and other parties who are minor polluters, or innocents who merely sent solid waste to a municipal landfill, into expensive lawsuits.

A recent story televised by ''60 Minutes'' on the Keystone landfill in Pennsylvania showed the scope of the problem. The story centered on Barbara Williams, the owner of the Sunny Ray Restaurant in Gettysburg, PA, who was being sued by the sites' toxic polluters for $75,000 because of the mashed potatoes she sent to the dump. Tiny gift stores, and other small businesses were dragged into a Superfund suit because they had sent regular trash to the Keystone Landfill.

EPA Administrator Carol Browner is aware of this problem and has been trying to do something about it. She has offered expedited settlements, known as de minimis settlements, to more than 20,000 parties nationwide whose contribution to Superfund sites is comparatively small. She has also offered settlements for as little as $1.00, known as de micromis settlements, to parties whose contributions of hazardous waste to a site are minuscule, but whose payments to lawyers have been immense.

While EPA has done an admirable job at ameliorating the aspect of the law that allows contribution litigation to happen, and indeed has deterred instances of egregious litigation, EPA can only do so much within the confines of the law and within the context of litigation. The law needs to be changed to put an end to these harassment suits. Since 1993, the Senate Environment and Public Works Committee repeatedly has tried to bridge the differences that exist on Superfund and send a reform bill to the President.

Mr. President, as the ranking Democratic member of the Superfund Subcommittee, I have spent many hours over the past several months with the Chairman of the Environment and Public Works Committee, Senator CHAFEE, and the Superfund Subcommittee Chairman Senator SMITH, Administrator Browner and Senator BAUCUS, the ranking Democratic member of the full committee. We've been negotiating a broad-based reform of the Nation's hazardous waste cleanup program. We have narrowed the differences between our views of how to fix Superfund. On October 22, 1997, Senators CHAFEE and SMITH made a global proffer on each title of their chairman's mark. The next week, Senator BAUCUS and I made a counter to their proffer that made significant concessions on each title of the bill.

We thought progress was being made. However, instead of responding to our last offer, the Republicans decided to end negotiations, at least for now.

Mr. President, Superfund reform has taken too long and, as a result municipalities, small businesses and communities in and around Superfund and brownfields sites are paying a high price for our inability to address their needs. It has long been my position that we should move ahead in areas where we can agree, and not hold our citizens and communities hostage to remaining disagreements. Earlier this year, as I have before, I introduced S. 18, the Brownfields and Environmental Cleanup Act. I have also introduced S. 1317, the Environmental Health Protection Act, to move ahead to protect the health of citizens living near Superfund sites. These are non-controversial bills that could pass without objection. It is unacceptable and unconscionable that we would continue to leave citizens subject to illness—and perhaps even death, by cancer—when we can take steps now to reduce those risks. As a companion to those measures, today I am introducing the Equity and Public Involvement Act to address liability issues that enjoy virtual universal support. This bill addresses those Superfund failings of which most constituents complain, and contains solutions that have been agreed on by both Republicans and Democrats for years.

Mr. President, the bill I am introducing today will bring relief to the thousands of small businesses and municipalities who have been swept into the Superfund litigation net by high-paid lawyers for big corporate polluters, even though those small businesses, churches and charities sent only municipal solid waste, common garbage, to the site. The provisions exempt individual homeowners, small business, and small nonprofits who have disposed only ordinary household trash. The provisions also limit the liability of big business and municipalities who have disposed household trash, consistent with an EPA draft policy, by allowing parties to cash-out on the basis of an easy-to-calculate formula that depends largely upon the volume of the trash these entities disposed, and the type of cleanup taking place at the site. Site did not have toxic pollutants driving up the cost of clean up. Plain and simple, these provisions prevent polluters from shifting cleanup costs to local taxpayers.

The bill also provides protection for other businesses who sent small amounts of toxic waste to sites. Businesses which sent very small amounts—less than two barrels—will be exempt from lawsuits. Those who sent small amounts, but more than two barrels, will be subject to an expedited settlement process. For those small contributors and larger contributors of toxic waste, the amount they will have to pay will be cushioned by their ability to pay.

The bill also protects landowners who live next door to hazardous waste sites by clarifying that they are not liable parties under the Superfund statute.

In addition, the bill expands the public's ability to participate in the critical decisions concerning the cleanup in their neighborhoods. Throughout the negotiations, we have met extensively with community representatives and stakeholders on Superfund to learn what works and what doesn't.

Stakeholders meetings with companies involved in multiple Superfund sites and cleanups at Department of Energy and Defense facilities showed that when communities near sites are involved early in the process, remedies are selected more quickly and there is more trust in the level of cleanup.

Community representatives argued passionately for the right to be fully informed and involved in these critical decisions. To respond to this concern, this bill includes provisions that significantly increase community input at all Superfund sites and in all aspects of the process of remedying the ill effects of toxic sites. Included in this bill are provisions for technical assistance grants, known as TAG's, to communities to hire technical experts to help them interpret the often highly technical data. These provisions enjoy broad support.

Mr. President, the liability reform provisions I have outlined and the community participation programs I have described are not controversial. Many were included in S. 8, a bill that Senators CHAFEE and SMITH introduced with significant Republican support on the first day of the Senate session. However, that bill has not moved and negotiations on a broader bill have broken down, at least for the moment. Therefore, I think it is appropriate for the Congress to move ahead to reform the law where we can agree, and continue to discuss and negotiate the issues on which there remains disagreement.

The bill I am introducing today is simple: It frees the hostages of stalled Superfund negotiations—the small businesses, churches, municipalities and their taxpayers, as well as neighboring landowners caught up in Superfund liability who have been waiting for years for a Superfund reform bill. They should not be held hostage to forces intent on repealing the principle of polluter pays and weakening cleanup of our natural resources who have not let a bill go forward because they can't get their way on those issues.

Mr. President, this bill does not address all of the issues on which we could move forward today with virtual unanimous support. But, in conjunction with other legislation I have introduced, it could solve many of the worst of Superfund's problems.

This fall I introduced S. 1317, the Environmental Health Protection Act, to

expand the public health aspects of hazardous waste cleanup. That bill allows the Agency for Toxic Substances and Disease Registry [ATSDR] to study any location where there is concern that hazardous wastes threaten public health and requires that ATSDR work closely with State and local health officials in making its assessment.

ATSDR is frequently criticized because its health assessments are completed too late in the process to be of any real value to local officials struggling to manage the health impact of a hazardous waste site on a community. S. 1317 changes the way EPA and the health authorities do their job. It requires EPA to notify local and State health officials early in the process that an investigation is commencing and to better coordinate their activities with local authorities so that EPA's proposed remedy better reflects local conditions and needs.

Also, S. 1317 requires EPA to directly involve State and local health officials in deciding where and how to take samples at hazardous waste sites. State and local health officials are often the frontline experts. They have important first-hand information on how a toxic waste dump affects their community. Working with EPA, they can better determine and analyze possible health problems in a community and whether that pattern arises from a toxic waste dump. With this information, EPA can zero-in on those areas for additional sampling and further studies as well as design a site appropriate remedy that meets the special circumstances of the affected community.

There is absolutely no reason why the Congress should not move ahead to approve S. 1317 now and every reason why we should. It would reduce health risks to our citizens and I know of no one who objects to it.

On the first day of this Congress, last January, I introduced S. 18, the Brownfields and Environmental Cleanup Act of 1997. This bill would make Federal grants for revolving loan funds used for remediation of brownfields available throughout the country. It would also protect innocent landowners and prospective purchasers of brownfield sites. Mr. President, if we could free this hostage, I know the Congress could move quickly to agree on brownfields legislation.

Mr. President, we appear to be at a standoff in Superfund negotiations for the moment. If that remains the case next January when we reconvene, I hope the Congress will move ahead to enact this legislation, along with my brownfields, community participation and environmental health protection bills. I also think we should extend the Superfund excise and corporate income tax. The tax, which expired in 1995, brings in sufficient revenue to cover the entire fiscal year 1998 Superfund appropriation. Without the tax, industry is saving $26 million a week—an amount sufficient enough to encourage some of those businesses to oppose any reform if the cost of reform is reinstituting the tax. Mr. President, that tax must be reinstated.

Mr. President, on the first days of the session this year, Senator BAUCUS and I joined EPA Administrator Carol Browner to urge the Senate to pass a brownfields bill immediately and not hold it hostage to a broader Superfund bill. I said at that time:

> We have a long way to go before we get a bill that enjoys bipartisan support, and that can be signed into law. We can't wait. We need to do something now, not only to help the environment, but to assist those urban areas which are struggling with economic recovery. . . .
>
> But that bill, because of the number of issues in controversy, will not pass quickly. And while many people believe that Superfund can only be passed as a comprehensive package, last year we did pass some Superfund provisions separately for lenders, fiduciaries and the Department of Defense. . . .
>
> In my view, we ought to sit down and quickly pass a brownfields bill.
>
> The sooner we do, the sooner we may be able to convert thousands of abandoned industrial sites into engines of economic development.

Mr. President, those words are even more true today than they were in January. We've let an entire year go by, without results. Let's pass this bill, the brownfields legislation, and community participation and environmental health programs. Let's make Superfund a shield to protect our communities, not a sword used to hold them hostage.

Mr. President, I look forward to continuing negotiations with Senators CHAFEE, SMITH, and BAUCUS next year to address the broader issues. But with a full year behind us, I believe we should serve up to our constituents what we can now deliver.

Mr. President, I ask unanimous consent that a copy of the bill be inserted into the RECORD.

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

S. 1497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Equity and Public Involvement in Superfund Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENHANCED COMMUNITY PARTICIPATION

Sec. 101. Definitions.
Sec. 102. Public participation generally.
Sec. 103. Improvement of public participation in the superfund decision-making process; local community advisory groups; technical assistance grants.
Sec. 104. Waste Site Information Offices.
Sec. 105. Technical outreach services for communities.
Sec. 106. Recruitment and training program.
Sec. 107. Priority site evaluation.
Sec. 108. Understandable presentation of materials.
Sec. 109. No impediment to response actions.

TITLE II—LIABILITY

Sec. 201. Liability exemptions and limitations.
Sec. 202. Expedited final settlement.

TITLE I—ENHANCED COMMUNITY PARTICIPATION

SEC. 101. DEFINITIONS.

(a) IN GENERAL.—Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) is amended—

(1) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively; and

(2) by inserting after the section heading the following:

''(a) DEFINITIONS.—In this section:

''(1) AFFECTED COMMUNITY.—The term 'affected community' means a group of 2 or more individuals who may be affected by the release or threatened release of a hazardous substance, pollutant, or contaminant from a covered facility.

''(2) COVERED FACILITY.—The term 'covered facility' means a facility—

''(A) that has been listed or proposed for listing on the National Priorities List;

''(B) at which the President is undertaking a removal action that is expected to exceed—

''(i) in duration, 1 year; or

''(ii) in cost, the funding limit established under section 104(c)(1); or

''(C) with respect to which the Administrator of ATSDR has accepted a petition requesting a health assessment under section 104(i)(6)(B), and that is under investigation by the Administrator of the Environmental Protection Agency under subsection (a) or (b) of section 104.

''(3) WASTE SITE INFORMATION OFFICE.—The term 'waste site information office' means a waste site information office established under subsection (j).''.

(b) CONFORMING AMENDMENTS.—

(A) Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(i) in section 111(a)(5) (42 U.S.C. 9611), by striking ''117(e)'' and inserting ''117(f)'';

(ii) in section 113(k)(2)(B) (42 U.S.C. 9613)—

(I) in clause (iii), by striking ''117(a)(2)'' and inserting ''117(b)(2)''; and

(II) in the third sentence, by striking ''117(d)'' and inserting ''117(e)''.

(B) Section 2705(e) of title 10, United States Code, is amended—

(i) by striking ''117(e)'' and inserting ''117(f)''; and

(ii) by striking ''(42 U.S.C. 9617(e))'' and inserting ''(42 U.S.C. 9617(f))''.

SEC. 102. PUBLIC PARTICIPATION GENERALLY.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 101(b)) is amended—

(1) in subsection (b)(2), by inserting '', adequate notice,'' after ''oral comments'';

(2) in the first sentence of subsection (e), by striking ''major''; and

(3) by striking subsection (f) and inserting the following:

''(f) AVAILABILITY OF RECORDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), throughout all phases of a response action at a facility and without the need to file a request under section 552 of title 5, United States Code, the President shall make available to the affected community (including the recipient of a technical assistance grant (if a grant has been awarded under subsection (i)) or a community advisory group (if a community advisory group has been established)), for inspection and, subject to reasonable fees, for copying, all records in the administrative record established by the President under section 113(k).

''(2) EXEMPT RECORDS.—Paragraph (1) shall not apply to—

''(A) a record that is exempt from disclosure under section 552 of title 5, United States Code;

''(B) a record that would be subject to the prohibition on disclosure under section 104(e)(7) if the record were obtained under section 104; or

''(C) a record that is exchanged between parties to a dispute under this Act for the purpose of settling the dispute.''.

SEC. 103. IMPROVEMENT OF PUBLIC PARTICIPATION IN THE SUPERFUND DECISIONMAKING PROCESS; LOCAL COMMUNITY ADVISORY GROUPS; TECHNICAL ASSISTANCE GRANTS.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 101(b)(1)) is amended by adding at the end the following:

''(g) IMPROVEMENT OF PUBLIC PARTICIPATION IN DECISIONMAKING PROCESS.—

''(1) VIEWS AND PREFERENCES.—

''(A) SOLICITATION.—To the extent practicable, in addition to the solicitation of public comments on a proposed remedial action plan under subsection (b)(2), the President, during the response action process (including a response under subsection (h)(4)(A)), shall—

''(i) disseminate information to the local community, in particular, information concerning the effects of the facility on human health, including the effects on children and other highly susceptible or highly exposed populations;

''(ii) solicit information from the local community;

''(iii) consider the views of the local community; and

''(iv) include, in any administrative record established under section 113(k), the views of the local community and the response of the Administrator to any significant comments, criticisms, or new data submitted in a written or oral presentation.

''(B) PROCEDURE.—To solicit the views and concerns of the community, the Administrator may conduct, as appropriate—

''(i) face-to-face community surveys for purposes including the identification of the location of private drinking water wells, historic and current or potential use of water, and other environmental resources in the community;

''(ii) public meetings; and

''(iii) other appropriate participatory activities.

''(C) PUBLIC MEETINGS.—The Administrator shall give particular consideration to providing the opportunity for public meetings in advance of significant decision points in the response action process.

''(D) CONSULTATION.—In determining which of the procedures set forth in subparagraph (B) may be appropriate, the Administrator shall consult with a community advisory group, if 1 has been established under subsection (h), and members of the affected community.

''(E) NOTIFICATION.—The President shall notify the local community and local government concerning—

''(i) the schedule for commencement of construction activities at a covered facility and the location and availability of construction plans;

''(ii) the results of the any review under section 121(c) and any modifications to the selected response made as a result of the review; and

''(iii) the execution of and any revision to institutional controls being used as part of a remedial action.

''(2) MEETINGS BETWEEN LEAD AGENCY AND POTENTIALLY RESPONSIBLE PARTIES.—The President, on a regular basis, shall inform local government officials, Indian tribes, a local community advisory group (if any) and, to the extent practicable, interested members of the affected community of the progress and substance of technical meetings between the lead agency and potentially responsible parties regarding a covered facility.

''(3) REMEDIAL ACTION ALTERNATIVES.—A member of the local community may propose a remedial action alternative in the same manner as any other interested party may propose a remedial action alternative.

''(h) COMMUNITY ADVISORY GROUPS.—

''(1) NOTICE.—The President shall, to the extent practicable, provide notice of an opportunity to form a community advisory group to members of the affected community, particularly persons that are immediately proximate to or that may be or may have been affected by a release or threatened release.

''(2) ESTABLISHMENT.—The President shall assist in the establishment of a community advisory group for a covered facility to achieve direct, regular, and meaningful communication among members of the local community throughout the response action process—

''(A) at the request of at least 20 individuals residing in, or at least 10 percent of the population of, the area in which the facility is located;

''(B) if there is no request under subparagraph (A), at the request of any local government with jurisdiction over the facility; or

''(C) if the President determines that a community advisory group would be helpful to achieve the purposes of this Act.

''(3) RESPONSIBILITIES OF A COMMUNITY ADVISORY GROUP.—A community advisory group shall—

''(A) solicit the views of the local community on various issues affecting the development and implementation of response actions at the facility;

''(B) serve as a conduit for information between the local community and other entities represented on the community advisory group;

''(C) present the views of the local community throughout the response process; and

''(D) provide the local community reasonable notice of and opportunities to participate in the meetings and other activities of the community advisory group.

''(4) RESPONSIBILITIES OF THE PRESIDENT.—

''(A) CONSULTATION.—The President shall—

''(i) consult with the community advisory group in developing and implementing the response action for a covered facility, including consultation with respect to—

''(I) sampling, analysis, and monitoring plans and results;

''(II) assumptions regarding reasonably anticipated future land uses;

''(III) potential remedial alternatives;

''(IV) selection and implementation of removal and remedial actions (including operation and maintenance activities) and reviews performed under section 121(c); and

''(V) use of institutional controls;

''(ii) encourage the Administrator of ATSDR, in cooperation with State, Indian tribe, and local public health officials, to consult with the community advisory group regarding health assessments;

''(iii) keep the community advisory group informed of progress in the development and implementation of the response action; and

''(iv) on request, provide to any person the hazard ranking score of any facility that has been scored under the hazardous ranking system, and the preliminary assessment and site inspection for the facility.

''(B) CONSIDERATION OF COMMENTS.—The President shall consider comments, information, and recommendations that the community advisory group provides in a timely manner.

''(C) CONSENSUS.—The community advisory group shall attempt to achieve consensus among its members before providing comments and recommendations to the President. If consensus cannot be reached, the community advisory group shall report or allow presentation of divergent views.

''(5) COMPOSITION OF COMMUNITY ADVISORY GROUPS.—

''(A) MEMBERS.—

''(i) MEMBERS.—The President shall, to the extent practicable, ensure that the membership of a community advisory group reflects the composition of the affected community and a diversity of interests.

''(ii) REPRESENTED GROUPS.—A community advisory group for a covered facility shall include at least 1 representative of the recipients of a technical assistance grant, if any has been awarded with respect to the facility, and shall include, to the extent practicable, a person from each of the following groups:

''(I) Persons who reside or own residential property near the facility.

''(II) Persons who, although they may not reside or own property near the facility, may be affected by the facility contamination.

''(III) Local public health practitioners or medical practitioners (particularly those who are practicing in the affected community).

''(IV) Local Indian communities that may be affected by the facility contamination.

''(V) Local citizen, civic, environmental, or public interest groups.

''(VI) Members of the local business community.

''(VII) Employees at the facility during facility operation.

''(B) LOCAL RESIDENTS.—Local residents shall, to the extent practicable, comprise a majority of the voting membership of a community advisory group.

''(C) NUMBER OF VOTING MEMBERS.—The President shall, to the extent practicable, ensure that the voting membership of the community advisory group does not exceed 20 individuals.

''(D) COMPENSATION.—A member of a community advisory group shall serve without compensation.

''(E) NONVOTING MEMBERS.—The President shall provide opportunities for representatives of the following entities to participate (as nonvoting members), as appropriate, in community advisory group meetings for purposes including providing information and technical expertise:

''(i) The Administrator.

''(ii) Other Federal agencies.

''(iii) Affected States.

''(iv) Affected Indian tribes.

''(v) Representatives of affected local governments (such as city or county governments or local emergency planning committees, and any other governmental unit that regulates land use or land use planning in the vicinity of the facility).

''(vii) Facility owners.

''(viii) Potentially responsible parties.

''(6) TECHNICAL ASSISTANCE GRANTS.—The President may award a technical assistance grant under subsection (i) to a community advisory group.

''(7) ADMINISTRATIVE SUPPORT.—The President, to the extent practicable, may provide administrative services and support services to the community advisory group.

''(8) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a community advisory group, to a citizen advisory group (designated by the President to serve the functions of a community advisory group, or

to a Department of Defense restoration advisory board, Department of Energy Site Specific advisory board, or an ATSDR citizen advisory panel.

''(9) OTHER PUBLIC INVOLVEMENT.—The existence of a community advisory group shall not diminish any other obligation of the President to consider the views of any person in selecting response actions under this Act. Nothing in this section affects the status of any community advisory group formed before the date of enactment of this subsection. Nothing in this section affects the status, decisions, or future formation of any Department of Defense Restoration Advisory Board, or Department of Energy Site Specific Advisory Board, and no community advisory group need be established for a facility if any such Board has been established for the facility.

''(i) TECHNICAL ASSISTANCE GRANTS.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—The President may make technical assistance grants available to members of an affected community for a covered facility in accordance with this subsection.

''(B) ACCESSIBILITY OF APPLICATION PROCESS.—To ensure that the application process for a technical assistance grant is accessible to all affected citizen groups, the President shall periodically review the process and the application and, based on the review, implement appropriate changes to improve access.

''(C) NOTICE OF AVAILABILITY OF GRANTS.—The President shall solicit the assistance of a waste site information office in notifying the affected community (including an Indian tribe) of the availability of a technical assistance grant for a covered facility as soon as practicable after the President has begun a response action at the covered facility.

''(2) SPECIAL RULES.—

''(A) NO MATCHING CONTRIBUTION.—No matching contribution shall be required for a technical assistance grant.

''(B) ADVANCE PAYMENTS.—The President may disburse the grant to a recipient in advance of the recipient's making expenditures to be covered by the grant. In the event that the President advances funds, funds shall be advanced in amounts that do not exceed the greater of $5,000 or 10 percent of the grant amount.

''(3) LIMIT PER FACILITY.—

''(A) IN GENERAL.—The Administrator may award not more than 1 technical assistance grant at 1 time with respect to a single covered facility.

''(B) EXTENSION.—The Administrator may extend a project period established in a grant to facilitate public participation at all stages of a response action.

''(4) FUNDING AMOUNT.—

''(A) LIMIT.—Except as provided in subparagraph (B), the amount of a technical assistance grant may not exceed $50,000 for a single grant recipient.

''(B) WAIVER OF LIMIT.—The President may waive the limit on the amount of a technical assistance grant under subparagraph (A) if a waiver is necessary—

''(i) to carry out the purposes of this Act; or

''(ii) to reflect—

''(I) the complexity of the response action;

''(II) the nature and extent of contamination at the facility;

''(III) the level of facility activity;

''(IV) projected total needs as requested by the grant recipient;

''(V) the sizes and distances between the affected communities; or

''(VI) the ability of the grant recipient to identify and raise funds from other non-Federal sources.

''(5) CONSIDERATIONS.—In determining how to structure payment of the amount of a technical assistance grant, whether to extend a grant project period under subparagraph (3)(B), or whether to grant a waiver under paragraph (4)(B), the Administrator may consider factors such as the geographical size of the facility and the distances between affected communities.

''(6) USE OF TECHNICAL ASSISTANCE GRANTS.—

''(A) IN GENERAL.—A technical assistance grant recipient may use a grant—

''(i) to hire experts to assist the recipient in interpreting information and presenting the recipient's views with regard to a response action at the facility (including any aspect of a response action identified in subsection (h)(4)(A));

''(ii) to publish newsletters or otherwise disseminate information to other members of the local community; or

''(iii) to provide funding for training for interested affected citizens to enable the citizens to more effectively participate in the response process.

''(B) LIMITATION ON USE FOR TRAINING.—A technical assistance grant recipient may use not more than 10 percent of the amount of a technical assistance grant, or $5,000, whichever is less, for training under subparagraph (A)(iii).

''(7) GRANT GUIDELINES.—Not later than 180 days after the date of enactment of this paragraph, the President shall ensure that any guidelines concerning the management of technical assistance grants by grant recipients conform with this section.''.

SEC. 104. WASTE SITE INFORMATION OFFICES.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 103) is amended by adding at the end the following:

''(j) WASTE SITE INFORMATION OFFICES.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 18 months after the date of enactment of this subsection, a State or Indian tribe with a facility on the National Priorities List within the State or Indian tribe's borders or reservation boundaries, respectively, may establish a waste site information office to perform the functions set forth in paragraph (3).

''(B) EXISTING OFFICES.—A State or Indian tribe may designate an office in existence before the date of enactment of this subsection to perform the functions of a waste site information office.

''(C) EPA ROLE.—If the State or Indian tribe notifies the Administrator that the State or Indian tribe does not intend to establish a waste site information office, or if the Administrator determines that the State or Indian tribe has not established, within 18 months after the date of enactment of this subsection, an office to perform the functions of a waste site information office, the Administrator shall establish an office within the Environmental Protection Agency to perform the functions.

''(2) FUNDING.—

''(A) IN GENERAL.—Funding for the operation of waste site information offices, or State, Indian tribe, or Environmental Protection Agency offices that perform similar functions, collectively, shall not exceed $12,500,000 for a fiscal year.

''(B) STATE OR TRIBAL GRANTS.—Each State or Indian tribe that has a waste site information office, or each State, Indian tribe, or Environmental Protection Agency office performing the functions of a waste site information office, shall receive not less than $100,000 for a fiscal year for the performance of those functions.

''(C) FORMULA.—

''(i) IN GENERAL.—The Administrator shall publish guidelines establishing a formula for determining the amount of funding for each waste site information office.

''(ii) FACTORS.—The formula shall include factors such as the number of facilities listed on the National Priorities List and the number of other covered facilities within the State's borders or Indian tribe's reservation boundaries.

''(3) FUNCTIONS.—

''(A) IN GENERAL.—A waste site information office shall, to the extent practicable—

''(i) assist the Administrator in—

''(I) informing the public regarding the existence of the waste site information office and its services and making available the information described in clause (ii); and

''(II) notifying the public of public meetings and other opportunities to participate under this Act and the rights of the public under this Act; and

''(ii) serve as a clearinghouse, and maintain records, as appropriate, for waste site information, including—

''(I) information relating to the operation of Federal, State, and tribal hazardous substance and waste laws with respect to the State or Indian tribe;

''(II) information relating to each covered facility in the State or tribal reservation, to the extent information becomes available, including—

''(aa) the location, characteristics, and name of owner and operator of the covered facility;

''(bb) the hazardous substances, pollutants, and contaminants at the facility;

''(cc) the response actions being taken, including records of any institutional controls that are included in the response actions;

''(dd) use of institutional controls;

''(ee) any health studies generated in connection with the covered facility;

''(ff) the status of the response actions at the covered facility;

''(gg) the results of a review under section 121(c); and

''(hh) the locations of the administrative record created for the facility, if any, under section 113(k);

''(III) a description of the Administrator's process for identifying covered facilities and possible response actions under this Act;

''(IV) on request, the hazard ranking score of any facility for which a hazardous ranking score has been prepared and that is within the waste site information office's area of responsibility and the preliminary assessment or site inspection for the facility; and

''(V) identification of resources, including—

''(aa) technical assistance grants under subsection (h);

''(bb) opportunities for forming a community advisory group under subsection (g);

''(cc) opportunities to petition the Administrator of ATSDR to perform a health assessment or other related health activity under section 104(i)(6)(B); and

''(dd) additional technical resources, including information about how to access national databases containing toxicological, health, or other pertinent information.

''(B) REPORT.—

''(i) IN GENERAL.—Each waste site information office shall annually submit to the Administrator a report documenting how the funds under paragraph (2) were used to carry out the functions established by this subsection.

''(ii) VERIFICATION BY INSPECTOR GENERAL.—The Inspector General of the Environmental Protection Agency shall periodically review the programs carried out under this subsection.

''(iii) TERMINATION OF GRANT.—The Administrator shall terminate the grant if—

''(I) the Administrator is unable to verify a certification; or

''(II) the Administrator determines that the grant is not being used in a manner that is consistent with the functions under paragraph (3).''.

SEC. 105. TECHNICAL OUTREACH SERVICES FOR COMMUNITIES.

Section 311(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)(2)) is amended—

(1) by striking ''shall include, but not be limited to, the conduct of research'' and inserting the following: ''shall include—

''(A) the conduct of research'';

(2) by striking the period at the end and inserting ''; and''; and

(3) adding at the end the following:

''(B) the conduct of a program to provide to affected communities educational and technical assistance to and information regarding the effects or potential effects of the contamination on human health and the environment.''.

SEC. 106. RECRUITMENT AND TRAINING PROGRAM.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 104) is amended by adding at the end the following:

''(k) RECRUITMENT AND TRAINING PROGRAM.—

''(1) IN GENERAL.—The Administrator, in consultation with the National Institute of Environmental Health Science, shall conduct a program to assist in the recruitment and training of individuals in an affected community for employment in response actions conducted at the facility concerned.

''(2) RECRUITMENT, TRAINING, AND EMPLOYMENT.—The Administrator shall encourage a person conducting a response action under this Act to have contractors of the person train in remediation skills and employ persons from the affected community.''.

SEC. 107. PRIORITY SITE EVALUATION.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 106) is amended by adding at the end the following:

''(l) PRIORITY SITE EVALUATION.—

''(1) EVALUATION.—The Administrator shall solicit the assistance of the waste site information office in identifying 3 facilities in the area covered by each regional office of the Administrator in major urban areas, or other areas with minority populations and low-income populations (such as within Indian country, Indian reservations, and poor rural communities) that are likely to warrant inclusion on the National Priorities List.

''(2) PRIORITY.—Not later than 2 years after the date of enactment of this subsection, a facility identified under paragraph (1) shall be accorded a priority in evaluation for listing on the National Priorities List and scoring and shall be evaluated for listing on the National Priorities List.''.

SEC. 108. UNDERSTANDABLE PRESENTATION OF MATERIALS.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 107) is amended by adding at the end the following:

''(m) PRESENTATION OF MATERIALS.—The President shall ensure that information prepared for or distributed to the public under this section shall be provided or summarized in a manner that may be easily understood by the community, considering any unique cultural needs of the community.''.

SEC. 109. NO IMPEDIMENT TO RESPONSE ACTIONS.

Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) (as amended by section 109) is amended by adding at the end the following:

''(n) NO IMPEDIMENT TO RESPONSE ACTIONS.—Nothing in this section shall impede or delay the ability of the Environmental Protection Agency to conduct a response action necessary to protect human health and the environment.''.

TITLE II—LIABILITY

SEC. 201. LIABILITY EXEMPTIONS AND LIMITATIONS.

(a) LIABILITY EXEMPTIONS.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

''(o) LIABILITY EXEMPTIONS.—

''(1) CONTIGUOUS PROPERTIES.—

''(A) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—A person that owns or operates real property that is contiguous to or otherwise similarly situated with respect to a facility at which there has been a release or threatened release of a hazardous substance, that is or may be contaminated by the release, shall not be considered to be an owner or operator under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

''(i) the person did not cause, contribute, or consent to the release or threatened release;

''(ii) the person is not associated with any other person that is potentially liable for any response costs at the facility at which there has been a release or threatened release of a hazardous substance, through any familial relationship, or any contractual, corporate, or financial relationship;

''(iii) the person exercised appropriate care with respect to hazardous substances from the facility, in light of all relevant facts and circumstances;

''(iv) the person is in compliance with any land use or activity restrictions on the property established or relied on in connection with a response action at the facility, including informing other persons that the person allows to occupy or use the property of the restrictions and taking prompt action to correct any noncompliance by such persons; and

''(v) the person provides full cooperation, assistance, and access to the persons that are authorized to conduct response actions at the facility, including the cooperation and access necessary for the installation, preservation of integrity, operation, and maintenance of any complete or partial response action at the facility.

''(B) ASSURANCES.—The President may issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1).

''(2) DE MICROMIS EXEMPTION.—

''(A) Notwithstanding paragraphs (1) through (4) of subsection (a), a person shall not be liable to the United States or any other person (including liability for contribution) under this Act for any response costs incurred with respect to a facility if—

''(i) liability is based solely on paragraph (3) or (4) of subsection (a);

''(ii) the total of materials containing a hazardous substance that the person arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment, of, or accepted for transport for disposal or treatment, at the facility, was less than 110 gallons of liquid materials or less than 200 pounds of solid materials (or such other amount as the Administrator may determine on a site-specific basis); and

''(iii) the acts upon which liability is based took place wholly before July 1, 1997.

''(B) EXCEPTION.—Subparagraph (A) shall not apply in a case in which the President determines that the material containing hazardous substances referred to in subparagraph (A) contributed significantly or could contribute significantly, either individually or in the aggregate, to the cost of the response action with respect to the facility.

''(3) MUNICIPAL SOLID WASTE EXEMPTION.—Notwithstanding paragraphs (1) through (4) of subsection (a), a person shall not be liable to the United States or any other person (including liability for contribution) under this Act for any response costs incurred with respect to a facility, to the extent that—

''(A) liability is based on paragraph (3) or (4) of subsection (a); and

''(B) the person is—

''(i) an owner, operator, or lessee of residential property from which all of the person's municipal solid waste was generated;

''(ii) a business entity that, during the taxable year preceding the date of transmittal of written notification that the business is a potentially responsible party, employs not more than 100 individuals; or

''(iii) a small nonprofit organization from which all of the person's municipal solid waste was generated.

(b) LIABILITY LIMITATIONS.—Section 107 of the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9607) (as amended by subsection (a)) is amended by adding at the end the following:

''(p) LIABILITY LIMITATIONS.—

''(1) IN GENERAL.—A municipality that is liable for response costs under paragraph (1) or (2) of subsection (a) on the basis of ownership or operation of a municipal landfill that is listed on the National Priority List on or before January 1, 1997, shall be eligible for a settlement of that liability.

''(2) SETTLEMENT AMOUNT.—

''(A) IN GENERAL.—The President shall offer a settlement to a party with respect to liability described in paragraph (1) on the basis of a payment or other obligation equivalent in value to not more than 20 percent of the total response costs in connection with the facility.

''(B) INCREASED AMOUNT.—The President may increase the percentage under subparagraph (A) to not more than 35 percent if the President determines that—

''(i) the municipality committed specific acts that exacerbated environmental contamination or exposure with respect to the facility; or

''(ii) the municipality, during the period of ownership or operation of the facility, received operating revenues substantially in excess of the sum of the waste system operating costs plus 20 percent of total estimated response costs in connection with the facility.

''(3) PERFORMANCE OF RESPONSE ACTIONS.—As a condition of a settlement with a municipality under this subsection, the President may require that the municipality perform or participate in the performance of the response actions at the facility.

''(4) OWNERSHIP OR OPERATION BY 2 OR MORE MUNICIPALITIES.—A combination of 2 or more municipalities that jointly own or operate a facility shall be considered to be a single owner or operator for the purpose of calculating a settlement offer under this subsection.

''(5) CONDITIONS.—The limitation on settlement amount under paragraph (2) shall not apply on or after the date that is 2 years after the date of enactment of this subsection unless the municipality institutes or participates in a qualified household hazardous waste collection program before the date that is 2 years after the date of enactment of this subsection.

''(6) EXCEPTIONS.—The President may decline to offer a settlement under this subsection with respect to a facility if the President determines that—

''(A) there is no waste except municipal solid waste or municipal sewage sludge at the facility; or

''(B) all known potentially responsible parties are insolvent, defunct, or eligible for a settlement under this subsection or section 122(g).''.

(c) COSTS AND FEES.—Section 107 of the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9607) (as amended by subsection (b)) is amended by adding at the end the following:

''(q) COSTS AND FEES.—A person that commences an action for recovery of response costs or for contribution against a person that is not liable, or that has entered into an expedited settlement under section 107(p) or 122(g), shall be liable to the defendant for all reasonable costs of defending the action, including all reasonable attorney's fees and expert witness fees.''.

SEC. 202. EXPEDITED FINAL SETTLEMENT.

(a) PARTIES ELIGIBLE.—Section 122(g) of the Comprehensive Environment Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9622(g)) is amended—

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

''(g) EXPEDITED FINAL SETTLEMENT.—'';

(2) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking ''(1)'' and all that follows through subparagraph (A) and inserting the following:

''(1) PARTIES ELIGIBLE.—

''(A) IN GENERAL.—The President shall, as expeditiously as practicable, notify of eligibility for a settlement, and offer to reach a final administrative or judicial settlement with, each potentially responsible party that, in the judgment of the President, meets 1 or more of the conditions stated in subparagraphs (B), (C), (D), and (E).

''(B) DE MINIMIS CONTRIBUTION.—The condition stated in this subparagraph is that the potentially responsible party's liability is for response costs based on paragraph (3) or (4) of subsection (a) and the party's contribution of hazardous substances at a facility is de minimis. For the purposes of this subparagraph, a potentially responsible party's contribution shall be considered to be de minimis only if the President determines that both of the following criteria are met:

''(i) The amount of material containing a hazardous substance contributed by the potentially responsible party to the facility is minimal relative to the total amount of material containing hazardous substances at the facility. The amount of a potentially responsible party's contribution shall be presumed to be minimal if the amount is 1 percent or less of the total amount of materials containing hazardous substances at the facility, unless the Administrator identifies a different threshold based on site-specific factors.

''(ii) The material containing a hazardous substance contributed by the potentially responsible party does not present toxic or other hazardous effects that are significantly greater than the toxic or other hazardous effects of other material containing hazardous substances at the facility.'';

(C) in subparagraph (C) (as redesignated by subparagraph (A))—

(i) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and adjusting the margins appropriately;

(ii) by striking ''(C) The potentially responsible party'' and inserting the following:

''(C) OWNERS OF REAL PROPERTY.—

''(i) IN GENERAL.—The condition stated in this subparagraph is that the potentially responsible party''; and

(iii) by striking ''This subparagraph (B)'' and inserting the following:

''(ii) APPLICABILITY.—Clause (i)''; and

(D) by adding at the end the following:

''(D) CONTRIBUTION OF MUNICIPAL SOLID WASTE AND MUNICIPAL SEWAGE SLUDGE.—

''(i) IN GENERAL.—The condition stated in this subparagraph is that the liability of the potentially responsible party is for response costs based on paragraph (3) or (4) of section 107(a) and on the potentially responsible party's having arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment of, municipal solid waste or municipal sewage sludge at a facility listed on the National Priorities List.

''(ii) SETTLEMENT AMOUNT.—

''(I) IN GENERAL.—The President shall offer a settlement to a party referred to in clause (i) with respect to liability under paragraph (3) or (4) of section 107(a) on the basis of a payment of $3.05 per ton of municipal solid waste or municipal sewage sludge that the President estimates is attributable to the party.

''(II) FACILITY-SPECIFIC ADJUSTMENT.—The President may adjust the $3.05 amount in subclause (I), on a facility-specific basis, to not more than $3.25 per ton, if the President determines that any of the following factors is present at a facility:

''(aa) A shallow aquifer underlies the facility.

''(bb) The facility is located in an area of high rainfall or cold ambient air temperature.

''(cc) The ground water affected by the facility is classified as drinking water.

''(dd) Low-permeability cover material (such as clay) is unavailable at the facility.

''(III) REVISION.—

''(aa) IN GENERAL.—The President may revise the $3.05 and $3.25 settlement amounts under subclauses (I) and (II) by regulation.

''(bb) BASIS.—A revised settlement amount under item (aa) shall reflect the estimated per-ton cost of closure and post-closure activities at a representative facility containing only municipal solid waste.

''(iii) CONDITIONS.—The provisions for settlement described in this subparagraph shall not apply with respect to a facility where there is no waste except municipal solid waste or municipal sewage sludge.

''(iv) MUNICIPAL SEWAGE SLUDGE CONTAINING CERTAIN RESIDUE.—The President may decline to offer a settlement under this subsection to a person that arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment, municipal sewage sludge, if the President determines that the municipal sewage sludge contributed or could contribute significantly to the cost of the response action at the facility.

''(v) ADJUSTMENT FOR INFLATION.—The Administrator may by guidance periodically adjust the settlement amounts under clause (ii) to reflect changes in the Consumer Price Index (or other appropriate index, as determined by the Administrator).

''(vi) MUNICIPAL OWNERS AND OPERATORS.—A municipality that arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment, municipal solid waste or municipal sewage sludge at a facility and is a municipality that is also potentially liable under paragraph (1) or (2) of section 107(a) at the facility shall be eligible for settlement under this subparagraph and section 107(p). The settlement amount shall be equal to the settlement amount under clause (ii) with respect to its contribution of municipal solid waste or municipal sewage sludge, plus the amount provided in section 107(p) as to the liability of the municipality under paragraph (1) or (2) of section 107(a).

''(E) REDUCTION IN SETTLEMENT AMOUNT BASED ON LIMITED ABILITY TO PAY.—

''(i) IN GENERAL.—The condition stated in this subparagraph is that the potentially responsible party—

''(I) is—

''(aa) a natural person;

''(bb) a small business; or

''(cc) a municipality; and

''(II) demonstrates to the President an inability or a limited ability to pay response costs.

''(ii) COSTS BORNE BY THE UNITED STATES.—Where the United States enters into a settlement under section 122 with a party that agrees to perform work at the same facility that is the subject of a settlement under clause (i), the United States shall contribute the difference between—

''(I) the aggregate share that the Administrator determines, on the basis of information presented, to be specifically attributable to parties with a limited ability to pay response costs; and

''(II) the share actually assumed by those parties in any settlements with the United States under clause (i).

''(iii) SMALL BUSINESSES.—

''(I) DEFINITION OF SMALL BUSINESS.—In this subparagraph, the term 'small business' means a business entity that—

''(aa) together with its parents, subsidiaries, and other affiliates, had an average of not more than 50 full-time equivalent employees and an average of not more than $3,000,000 in annual gross revenues, as reported to the Internal Revenue Service, during the 3 years preceding the date on which the business entity first received notice from the President of its potential liability under this Act; and

''(bb) is not associated with any other person potentially responsible for response costs at the facility through any familial relationship, or any contractual, corporate, or financial relationship other than that arising from an arrangement for disposal or treatment, or for transport for disposal or treatment of hazardous substances.

''(iv) DEFINITION OF AFFILIATE.—In this subparagraph, the term 'affiliate' has the meaning given the term 'small business concern' in regulations promulgated by the Small Business Administration in accordance with the Small Business Act (15 U.S.C. 631 et seq.).

''(v) OTHER POTENTIALLY RESPONSIBLE PARTIES.—This subparagraph does not affect the President's authority to evaluate the ability to pay of a potentially responsible party other than a natural person, small business, or municipality, or to enter into a settlement with such other party based on that party's ability to pay.

''(F) BASIS OF DETERMINATION.—If the President determines that a potentially responsible party is not eligible for settlement under this subsection, the President shall state the reasons for the determination in writing to any potentially responsible party that requests a settlement under this paragraph. A determination by the President under this paragraph shall not be subject to judicial review.''.

(b) SETTLEMENT OFFERS.—Section 122 of the Comprehensive Environment Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9622) is amended—

(1) in subsection (g)—

(A) by redesignating paragraph (6) as paragraph (10); and

(B) by inserting after paragraph (5) the following:

''(6) SETTLEMENT OFFERS.—

''(A) IN GENERAL.—As soon as practicable after receipt of sufficient information, the Administrator shall submit a written settlement offer to each person that the Administrator determines, based on information available to the Administrator at the time at which the determination is made, to be eligible for a settlement under paragraph (1).

''(B) INFORMATION.—At the time at which the Administrator submits an offer under paragraph (1), the Administrator shall, at the request of the recipient of the offer, make available to the recipient any information available under section 552 of title 5, United States Code, on which the Administrator bases the settlement offer, and if the settlement offer is based in whole or in part on information not available under that section, so inform the recipient.

''(7) LITIGATION MORATORIUM.—

''(A) IN GENERAL.—No person eligible for an expedited settlement under paragraph (1) shall be named as a defendant in any action under this Act for recovery of response costs (including an action for contribution) during the period beginning on the date on which the person receives from the President written notice of its potential liability and notice that it is a party that may qualify for an expedited settlement, and ending on the earlier of—

''(i) the date that is 90 days after the date on which the President tenders a written settlement offer to the person; or

''(ii) the date that is 1 year after the date specified in subparagraph (A).

''(B) TOLLING OF PERIOD OF LIMITATION.—The period of limitation under section 113(g) applicable to a claim against a person described in subparagraph (A) for response costs or contribution shall be tolled during the period described in subparagraph (A).

''(C) STAY OF LITIGATION.—If, before the date of enactment of this paragraph, a person described in subparagraph (A) has been named as a defendant in an action for recovery of response costs or contribution, the court shall, unless a stay would result in manifest injustice, stay the action as to that claim until the end of the period described in subparagraph (A).

''(8) NOTICE OF SETTLEMENT.—After a settlement under this subsection becomes final with any person with respect to a facility, the President shall promptly notify potentially responsible parties at the facility that have not resolved their liability to the United States of the settlement.''; and

(2) by adding at the end the following:

''(n) EXCEPTIONS.—Subsection (g) and subsections (o) and (p) of section 107 shall not apply in a case in which the President determines that the person has failed to comply with any request for information or administrative subpoena issued by the President under this Act, or has impeded or is impeding the performance of a response action with respect to the facility.

''(o) WAIVER OF CLAIMS.—The President may require, as a condition of settlement under this subsection or section 107(p), that a potentially responsible party waive some or all of the claims (including a claim for contribution under section 113) that the party may have against other potentially responsible parties for all response costs incurred at the facility.

''(p) RELATIONSHIP TO LIABILITY UNDER OTHER LAW.—Nothing in this section affects the obligation of any person to comply with any other Federal, State, or local law (including requirements under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).''.

(c) REGULATIONS.—The Administrator of the Environmental Protection Agency has the authority, under section 115 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9615), to promulgate additional regulations concerning the amendments made by this section.

By Mr. DORGAN (for himself, Mr. LAUTENBERG, Mr. BUMPERS, Mr. CONRAD, and Mr. WELLSTONE):

S. 1498. A bill to require States to adopt laws prohibiting open alcoholic containers in automobiles; to the Committee on Environment and Public Works.

THE NATIONAL DRUNK DRIVING PROTECTION ACT

Mr. DORGAN. Mr. President, today I am introducing legislation to combat our Nation's continual problem with drunk driving. This problem, that attacks young and old alike, is multifaceted and must be combating on several fronts. My bill addresses the need to take alcohol out of automobiles by establishing a national policy prohibiting open alcohol containers in automobiles.

To put this problem in perspective, an average of one person every half hour dies as a result of drunk driving, and that worked out to be 17,272 alcohol-related fatalities in 1996 according to the Department of Transportation. This figure is over 40 percent of the total number of traffic fatalities in the United States. The sad irony in these statistics is that drunk driving is a preventable problem.

Even more heart wrenching is that drunk driving is killing a disproportionate amount of our youth and young adults. In 1995, while 30 percent of our driving population was between the ages of 21–34, 50 percent of the fatalities and 50 percent of the drunk driving injuries were in this age group. That amounted to 6,760 dead and 95,800 injured young adults.

One way we must combat drunk driving is to ban the consumption of alcohol in automobiles. According to the National Highway Traffic Safety Administration, in 22 States it is still legal for passengers in a vehicle to be drinking while the vehicle is in operation. And in 10 States, it is perfectly legal for a driver of a car to have one hand on the steering wheel and drinking a bottle of whisky in the other. It seems inexcusable to me that we have a circumstance in this country where citizens cannot be assured that in every State and in every local jurisdiction in the Nation that there are not laws against people drinking and driving at the same time. This legislation will provide that assurance and prohibit open containers in every State.

I hope that the Senate will have a good debate on drunk driving issues early next year when we return to debate the reauthorization of the Intermodal Surface Transportation Efficiency Act [ISTEA]. I intend to offer this legislation as amendment to the ISTEA reauthorization and I urge my colleagues to support this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD:

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

S. 1498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Drunk Driving Protection Act''.

SECTION 2. OPEN CONTAINER LAWS.

(a) ESTABLISHMENT.—Chapter I of title 23, United States Code, is amended by inserting after section 153 the following:

''§ 154. Open container requirements

''(a) DEFINITIONS.—In this section:

''(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning given the term in section 158(c).

''(2) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

''(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term 'open alcoholic beverage container' has the meaning given the term in section 410(i).

''(4) PASSENGER AREA.—The term 'passenger area' shall have the meaning given the term by the Secretary by regulation.

''(b) PENALTY.—

''(1) GENERAL RULE.—

''(A) FISCAL YEAR 2000.—If, at any time in fiscal year 2000, a State does not have in effect a law described in subsection (c), the Secretary shall transfer 1.5 percent of the funds apportioned to the State for fiscal year 2001 under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) to the apportionment of the State under section 402.

''(B) FISCAL YEARS THEREAFTER.—If, at any time in a fiscal year beginning after September 30, 2000, a State does not have in effect a law described in subsection (c), the Secretary shall transfer 3 percent of the funds apportioned to the State for the following fiscal year under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) to the apportionment of the State under section 402.

''(c) OPEN CONTAINER LAWS.—

''(1) IN GENERAL.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

''(2) MOTOR VEHICLES DESIGNED TO TRANSPORT MANY PASSENGERS.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container in the passenger area by the driver (but not by a passenger) of a motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers, the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

''(d) FEDERAL SHARE.—The Federal share of the cost of a project carried out under section 402 with funds transferred under subsection (b) to the apportionment of a State under section 402 shall be 100 percent.

''(e) TRANSFER OF OBLIGATION AUTHORITY.—

''(1) IN GENERAL.—If the Secretary transfers under subsection (b) any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall allocate to

the State an amount, determined under paragraph (2), of obligation authority distributed for the fiscal year for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

''(2) AMOUNT.—The amount of obligation authority referred to in paragraph (1) shall be determined by multiplying—

''(A) the amount of funds transferred under subsection (b) to the apportionment of the State under section 402 for the fiscal year; by

''(B) the ratio that—

''(i) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

''(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

''(f) LIMITATION ON APPLICABILITY OF HIGHWAY SAFETY OBLIGATIONS.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under subsection (b) to the apportionment of a State under section 402.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

''154. Open container requirements.''

By Mrs. BOXER:

S. 1499. A bill to amend the title XXVII of the Public Health Service Act and other laws to assure the rights of enrollees under managed care plans; to the Committee on Labor and Human Resources.

THE HEALTH INSURANCE CONSUMER'S BILL OF RIGHTS ACT OF 1997

Mrs. BOXER. Mr. President, today I am introducing the Health Insurance Consumer's bill of rights. I have been working closely on this bill with Congressman CHUCK SCHUMER, who has introduced companion legislation in the House.

Our will address an increasing crisis of confidence in our Nation's health care system. This crisis of confidence is especially evident for the increasing number of Americans enrolled in managed care health plans.

A recent survey conducted by the Henry Kaiser Family Foundation and Harvard University found that only 44 percent of enrollees in managed care health care plans believe it is very likely that necessary treatments would be covered if they became seriously ill. Fully 69 percent of enrollees in traditional fee-for-service plans believed they would be adequately covered.

The survey found that the American people hold managed care plans generally in low esteem and they support efforts to improve the health insurance system. That, Mr. President, is exactly what the Boxer-Schumer bill aims to do.

The Health Insurance Consumer's bill of rights requires all health insurance plans to meet basic requirements for conduct, coverage, and consumer disclosure.

Specifically, the bill requires that all managed care plans have an adequate number of primary care physicians and specialists to meet the health care needs of their enrollees. It requires health plans to cover emergency care, terminate so-called gag rules that limit communication between a doctor and a patient. It requires the annual disclosure of a wealth of important consumer information to enrollees and potential enrollees, and finally, this bill contains a number of important provisions to ensure that women are treated fairly in managed care plans.

I want to make clear that the Schumer-Boxer bill is not antimanaged care. On the contrary, the bill accepts that managed care plans are the chosen kind of coverage for millions of Americans. It is precisely for that reason that Congress must act to ensure that managed care plans act responsibly and provide quality coverage.

I hope the Senate will consider this bill carefully and act upon it early next year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Health Insurance Consumer's Bill of Rights Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH INSURANCE BILL OF RIGHTS

Sec. 101. Health insurance bill of rights.

''PART C—HEALTH INSURANCE BILL OF RIGHTS

''Sec. 2770. Notice; additional definitions.

''SUBPART 1—ACCESS TO PRIMARY CARE PHYSICIANS, SPECIALISTS, OUT OF NETWORK PROVIDERS, EMERGENCY ROOM SERVICES, PRESCRIPTION DRUGS

''Sec. 2771. Access to personnel and facilities; assuring adequate choice of health care professionals.

''Sec. 2772. Access to specialty care.

''Sec. 2773. Access to emergency care.

''Sec. 2774. Coverage for individuals participating in approved clinical trials.

''Sec. 2775. Continuity of care.

''Sec. 2776. Prohibition of interference with certain medical communications.

''Sec. 2777. Access to needed prescription drugs.

''SUBPART 2—UTILIZATION REVIEW, GRIEVANCE, APPEALS, AND QUALITY IMPROVEMENT

''Sec. 2779. Standards for utilization review activities, complaints, and appeals.

''Sec. 2780. Quality improvement program.

''SUBPART 3—NONDISCRIMINATION

''Sec. 2784. Nondiscrimination.

''SUBPART 4—CONFIDENTIALITY

''Sec. 2785. Medical records and confidentiality.

''SUBPART 5—DISCLOSURES

''Sec. 2786. Health prospectus; disclosure of information.

''SUBPART 6—PROMOTING GOOD MEDICAL PRACTICE AND PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

''Sec. 2787. Promoting good medical practice.

TITLE II—APPLICATION OF BILL OF RIGHTS UNDER VARIOUS LAWS

Sec. 201. Amendments to the Public Health Service Act.

Sec. 202. Managed care requirements under the Employee Retirement Income Security Act of 1974.

Sec. 203. Managed care requirements under the Internal Revenue Code of 1986.

Sec. 204. Managed care requirements under medicare, medicaid, and the Federal employees health benefits program (FEHBP).

Sec. 205. Effective dates.

TITLE I—HEALTH INSURANCE BILL OF RIGHTS

SEC. 101. HEALTH INSURANCE BILL OF RIGHTS.

Title XXVII of the Public Health Service Act is amended—

(1) by redesignating part C as part D, and

(2) by inserting after part B the following new part:

''PART C—HEALTH INSURANCE BILL OF RIGHTS

''SEC. 2770. NOTICE; ADDITIONAL DEFINITIONS.

''(a) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this part as if such section applied to such issuer and such issuer were a group health plan.

''(b) ADDITIONAL DEFINITIONS.—For purposes of this part:

''(1) ENROLLEE.—The term 'enrollee' means an individual who is entitled to benefits under a group health plan or under health insurance coverage.

''(2) HEALTH CARE PROFESSIONAL.—The term 'health care professional' means a physician or other health care practitioner providing health care services.

''(3) HEALTH CARE PROVIDER.—The term 'health care provider' means a clinic, hospital physician organization, preferred provider organization, independent practice association, community service provider, family planning clinic, or other appropriately licensed provider of health care services or supplies.

''(4) MANAGED CARE.—The term 'managed care' means, with respect to a group health plan or health insurance coverage, such a plan or coverage that provides financial incentives for enrollees to obtain benefits through participating health care providers or professionals.

''(5) NONPARTICIPATING.—The term 'nonparticipating' means, with respect to a health care provider or professional and a group health plan or health insurance coverage, such a provider or professional that is not a participating provider or professional with respect to such services.

''(6) PARTICIPATING.—The term 'participating' means, with respect to a health care provider or professional and a group health plan or health insurance coverage offered by a health insurance issuer, such a provider or professional that has entered into an agreement or arrangement with the plan or issuer with respect to the provision of health care services to enrollees under the plan or coverage.

''(7) PRIMARY CARE PRACTITIONER.—The term 'primary care practitioner' means, with respect to a group health plan or health insurance coverage offered by a health insurance issuer, a health care professional (who may be trained in family practice, general practice, internal medicine, obstetrics and

gynecology, or pediatrics and who is practicing within the scope of practice authorized by State law) designated by the plan or issuer to coordinate, supervise, or provide ongoing care to enrollees.

''SUBPART 1—ACCESS TO PRIMARY CARE PHYSICIANS, SPECIALISTS, OUT OF NETWORK PROVIDERS, EMERGENCY ROOM SERVICES, PRESCRIPTION DRUGS

''SEC. 2771. ACCESS TO PERSONNEL AND FACILITIES; ASSURING ADEQUATE CHOICE OF HEALTH CARE PROFESSIONALS.

''A managed care group health plan (and a health insurance issuer offering managed care group health insurance coverage) shall comply with regulations promulgated by the Secretary that ensure that such plans and issuers—

''(1) have a sufficient number and type of primary care practitioners and specialists, throughout the service area to meet the needs of enrollees and to provide meaningful choice;

''(2) maintain a mix of primary care practitioners that is adequate to meet the needs of the enrollees' varied characteristics, including age, gender, race, and health status; and

''(3) include, to the extent possible, a variety of primary care providers (including community health centers, rural health clinics, and family planning clinics).

''SEC. 2772. ACCESS TO SPECIALTY CARE.

''A managed care group health plan (and a health insurance issuer offering managed care group health insurance coverage) shall comply with regulations promulgated by the Secretary that ensure that such plans and issuers provide enrollees with—

''(1) access to specialty care;

''(2) standing referrals to specialists;

''(3) access to nonparticipating providers;

''(4) direct access (without the need for a referral) to health care professionals trained in obstetrics and gynecology; and

''(5) a process that permits a health care provider trained in obstetrics and gynecology to be designated and treated as a primary care practitioner.

''SEC. 2773. ACCESS TO EMERGENCY CARE.

''(a) IN GENERAL.—If a group health plan or health insurance coverage provides any benefits with respect to emergency services (as defined in subsection (b)(1)), the plan or the health insurance issuer offering such coverage shall—

''(1) provide for emergency services without regard to prior authorization or the emergency care provider's contractual relationship with the organization; and

''(2) comply with such guidelines as the Secretary of Health and Human Services may prescribe relating to promoting efficient and timely coordination of appropriate maintenance and post-stabilization care of an enrollee after the enrollee has been determined to be stable under section 1867 of the Social Security Act.

''(b) DEFINITION OF EMERGENCY SERVICES.—In this subsection—

''(1) IN GENERAL.—The term 'emergency services' means, with respect to an enrollee under a plan or coverage, inpatient and outpatient services covered under the plan or coverage that—

''(A) are furnished by a provider that is qualified to furnish such services under the plan or coverage, and

''(B) are needed to evaluate or stabilize an emergency medical condition (as defined in subparagraph (B)).

''(2) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

''(A) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy,

''(B) serious impairment to bodily functions, or

''(C) serious dysfunction of any bodily organ or part.

''SEC. 2774. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS.

''(a) IN GENERAL.—If a group health plan provides benefits, or a health insurance issuer offers health insurance coverage to, a qualified enrollee (as defined in subsection (b)), the plan or issuer—

''(1) may not deny the enrollee participation in the clinical trial referred to in subsection (b)(2);

''(2) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

''(3) may not discriminate against the enrollee on the basis of the enrollee's participation in such trial.

''(b) QUALIFIED ENROLLEE DEFINED.—For purposes of subsection (a), the term 'qualified enrollee' means an enrollee who meets the following conditions:

''(1) The enrollee has a life-threatening or serious illness for which no standard treatment is effective.

''(2) The enrollee is eligible to participate in an approved clinical trial with respect to treatment of such illness.

''(3) The enrollee and the referring physician conclude that the enrollee's participation in such trial would be appropriate.

''(4) The enrollee's participation in the trial offers potential for significant clinical benefit for the enrollee.

''(c) PAYMENT.—

''(1) IN GENERAL.—Under this section a plan or issuer shall provide for payment for routine patient costs described in subsection (a)(2) but is not required to pay for costs of items and services that are reasonably expected (as determined by the Secretary) to be paid for by the sponsors of an approved clinical trial.

''(2) PAYMENT RATE.—In the case of covered items and services provided by—

''(A) a participating provider, the payment rate shall be at the agreed upon rate, or

''(B) a nonparticipating provider, the payment rate shall be at the rate the plan or issuer would normally pay for comparable services under subparagraph (A).

''(d) APPROVED CLINICAL TRIAL DEFINED.—In this section, the term 'approved clinical trial' means a clinical research study or clinical investigation approved by the Food and Drug Administration or approved and funded by one or more of the following:

''(1) The National Institutes of Health.

''(2) A cooperative group or center of the National Institutes of Health.

''(3) The Department of Veterans Affairs.

''(4) The Department of Defense.

''SEC. 2775. CONTINUITY OF CARE.

''A managed care group health plan (and a health insurance issuer offering managed care group health insurance coverage) shall comply with regulations promulgated by the Secretary that ensure that such plans and issuers provide continuity of coverage in the case of the terminated coverage where an enrollee is undergoing a course of treatment with the provider at the time of such termination.

''SEC. 2776. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

''(a) IN GENERAL.—The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer (offering health insurance coverage in connection with a group health plan) and a health professional shall not prohibit or restrict the health professional from engaging in medical communications with his or her patient.

''(b) NULLIFICATION.—Any contract provision or agreement described in subsection (a) shall be null and void.

''(c) MEDICAL COMMUNICATION DEFINED.—For purposes of this section, the term 'medical communication' has the meaning given such term by the Secretary.

''SEC. 2777. ACCESS TO NEEDED PRESCRIPTION DRUGS.

''If a group health plan, or health insurance issuer offers health insurance coverage that, provides benefits with respect to prescription drugs but the coverage limits such benefits to drugs included in a formulary, the plan or issuer shall ensure in accordance with regulations of the Secretary that—

''(1) the nature of the formulary restrictions is fully disclosed to enrollees; and

''(2) exceptions from the formulary restriction are provided when medically necessary or appropriate.

''SUBPART 2—UTILIZATION REVIEW, GRIEVANCE, APPEALS, AND QUALITY IMPROVEMENT

''SEC. 2779. STANDARDS FOR UTILIZATION REVIEW ACTIVITIES, COMPLAINTS, AND APPEALS.

''A group health plan and a health insurance issuer offering health insurance coverage in connection with a group health plan shall comply with standards established by the Secretary relating to its conduct of utilization review activities. Such standards shall include the following:

''(1) A requirement that a plan or issuer develop written policies and criteria concerning utilization review activities.

''(2) A requirement that a plan or issuer provide notice of such policies and criteria and the written notice of adverse determinations.

''(3) A restriction on the use of contingent compensation arrangements with providers.

''(4) A requirement establishing deadlines to ensure timely utilization review determinations.

''(5) The establishment of an adequate process for filing complaints, and appealing decisions, concerning utilization review determinations, including the mandatory use of an outside review panel to make decisions on such appeals.

''(6) A requirement that a plan or issuer that utilizes clinical practice guidelines uniformly apply review criteria that are based on sound scientific principles and the most recent medical evidence.

''SEC. 2780. QUALITY IMPROVEMENT PROGRAM.

''(a) IN GENERAL.—A group health plan and health insurance issuer offering health insurance coverage shall make arrangements for an ongoing quality improvement program for health care services it provides to enrollees. Such a program shall meet standards established by the Secretary, including standards relating to—

''(1) the measurement of health outcomes relevant to all populations, including women;

''(2) evaluation of high risk services;

''(3) monitoring utilization of services;

''(4) ensuring appropriate action to improve quality of care; and

''(5) providing for an independent external review of the program.

''SUBPART 3—NONDISCRIMINATION

''SEC. 2784. NONDISCRIMINATION.

''(a) ENROLLEES.—A group health plan or health insurance issuer offering health insurance coverage (whether or not a managed care plan or coverage) may not discriminate or engage (directly or through contractual arrangements) in any activity, including the selection of service area, that has the effect of discriminating against an individual on the basis of race, culture, national origin, gender, sexual orientation, language, socioeconomic status, age, disability, genetic makeup, health status, payer source, or anticipated need for healthcare services.

''(b) PROVIDERS.—Such a plan or issuer may not discriminate in the selection of members of the health provider or provider network (and in establishing the terms and conditions for membership in the network) of the plan or coverage based on any of the factors described in subsection (a).

''(c) SERVICES.—Such a plan or issuer may not exclude coverage (including procedures and drugs) if the effect is to discriminate in violation of subsection (a) or (b).

''SUBPART 4—CONFIDENTIALITY

''SEC. 2785. MEDICAL RECORDS AND CONFIDENTIALITY.

''A managed care group health plan (and a health insurance issuer offering managed care group health insurance) shall—

''(1) establish written policies and procedures for the handling of medical records and enrollee communications to ensure enrollee confidentiality;

''(2) ensure the confidentiality of specified enrollee information, including, prior medical history, medical record information and claims information, except where disclosure of this information is required by law; and

''(3) not release any individual patient record information, unless such a release is authorized in writing by the enrollee or otherwise required be law.

''SUBPART 5—DISCLOSURES

''SEC. 2786. HEALTH PROSPECTUS; DISCLOSURE OF INFORMATION.

''(a) DISCLOSURE.—Each group health plan, and each health insurance issuer providing health insurance coverage, shall provide to each enrollee at the time of enrollment and on an annual basis, and shall make available to each prospective enrollee upon request—

''(1) a prospectus that relates to the plan or coverage offered and that meets the requirements of subsection (b); and

''(2) additional information described in subsection (c).

''(b) PROSPECTUS.—

''(1) IN GENERAL.—Each prospectus under this subsection for a plan or coverage—

''(A) shall contain the information described in paragraphs (2) through (4) concerning the plan or coverage,

''(B) shall contain such additional information as the Secretary deems appropriate, and

''(C) shall be no longer than 3 pages in length and in a format specified by the Secretary, for purposes of comparison by prospective enrollees.

''(2) QUALITATIVE INFORMATION.—The information described in this paragraph is a summary of the quality assessment data on the plan or coverage. The data shall—

''(A) be the similar to the types of data as are collected for managed care plans under title XVIII of the Social Security Act, as determined by the Secretary and taking into account differences between the populations covered under such title and the populations covered under this title;

''(B) be collected by independent, auditing agencies;

''(C) include—

''(i) a description of the types of methodologies (including capitation, financial incentive or bonuses, fee-for-service, salary, and withholds) used by the plan or issuer to reimburse physicians, including the proportions of physicians who have each of these types of arrangements; and

''(ii) cost-sharing requirements for enrollees.

The information under subparagraph (C) shall include, upon request, information on the reimbursement methodology used by the plan or issuer or medical groups for individual physicians, but do not require the disclosure of specific reimbursement rates.

''(3) QUANTITATIVE INFORMATION.—The information described in this paragraph is measures of performance of the plan or issuer (in relation to coverage offered) with respect to each of the following and such other salient data as the Secretary may specify:

''(A) The ratio of physicians to enrollees, including the ratio of physicians who are obstetrician/gynecologists to adult, female enrollees.

''(B) The ratio of specialists to enrollees.

''(C) The incentive structure used for payment of primary care physicians and specialists.

''(D) Patient outcomes for procedures, including procedures specific to female enrollees.

''(E) The number of grievances filed under the plan or coverage.

''(F) The number of requests for procedures for which utilization review board review or approval is required and the number (and percentage) of such requests that are denied.

''(G) The number of appeals filed from denial of such requests and the number (and percentage) of such appeals that are approved, such numbers and percentages broken down by gender of the enrollee involved.

''(H) Disenrollment data.

''(4) DESCRIPTION OF BENEFITS.—The information described in this paragraph is a description of the benefits provided under the plan or coverage, as well as explicit exclusions, including a description of the following:

''(A) Coverage policy with respect to coverage for female-specific benefits, including screening mammography, hormone replacement therapy, bone density testing, osteoporosis screening, maternity care, and reconstructive surgery following a mastectomy.

''(B) The costs of copayments for treatments, including any exceptions.

''(c) ADDITIONAL INFORMATION.—The additional information described in this subsection is information about each of the following:

''(1) The plan's or issuer's structure and provider network, including the names and credentials of physicians in the network.

''(2) Coverage provided and excluded, including out-of-area coverage.

''(3) Procedures for utilization management.

''(4) Procedures for determining coverage for investigational or experimental treatments as well as definitions for coverage terms.

''(5) Any restrictive formularies or prior approval requirements for obtaining prescription drugs, including, upon request, information on whether or not specific drugs are covered.

''(6) Use of voluntary or mandatory arbitration.

''(7) Procedures for receiving emergency care and out-of-network services when those services are not available in the network and information on the coverage of emergency services, including—

''(A) the appropriate use of emergency services, including use of the 911 telephone system or its local equivalent in emergency situations and an explanation of what constitutes an emergency situation;

''(B) the process and procedures for obtaining emergency services; and

''(C) the locations of (i) emergency departments, and (ii) other settings, in which physicians and hospitals provide emergency services and post-stabilization care.

''(8) How to contact agencies that regulate the plan or issuer.

''(9) How to contact consumer assistance agencies, such as ombudsmen programs.

''(10) How to obtain covered services.

''(11) How to receive preventive health services and health education.

''(12) How to select providers and obtain referrals.

''(13) How to appeal health plan decisions and file grievances.

''(d) STATE AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

''(1) IN GENERAL.—Subject to paragraph (2), this section shall not be construed as preventing a State from requiring health insurance issuers, in relation to their offering of health insurance coverage, to disclose separately information (including comparative ratings of health insurance coverage) in addition to the information required to be disclosed under this section.

''(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this part shall be construed to affect or modify the provisions of section 514 with respect to group health plans.

''SUBPART 6—PROMOTING GOOD MEDICAL PRACTICE AND PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

''SEC. 2787. PROMOTING GOOD MEDICAL PRACTICE.

''(a) PROHIBITING ARBITRARY LIMITATIONS OR CONDITIONS FOR THE PROVISION OF SERVICES.—A group health plan and a health insurance issuer, in connection with the provision of health insurance coverage, may not impose limits on the manner in which particular services are delivered if the services are medically necessary or appropriate to the extent that such procedure or treatment is otherwise a covered benefit.

''(b) CONSTRUCTION.—Subsection (a) shall not be construed as requiring coverage of particular services the coverage of which is otherwise not covered under the terms of the coverage.''.

TITLE II—APPLICATION OF BILL OF RIGHTS UNDER VARIOUS LAWS

SEC. 201. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) APPLICATION TO GROUP HEALTH INSURANCE COVERAGE.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

''SEC. 2706. MANAGED CARE REQUIREMENTS.

''Each health insurance issuer shall comply with the applicable requirements under part C with respect to group health insurance coverage it offers.''.

(b) APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2751 the following new section:

''SEC. 2752. MANAGED CARE REQUIREMENTS.

''Each health insurance issuer shall comply with the applicable requirements under part C with respect to individual health insurance coverage it offers, in the same manner as such requirements apply to group health insurance coverage.''.

(c) MODIFICATION OF PREEMPTION STANDARDS.—

(1) GROUP HEALTH INSURANCE COVERAGE.—Section 2723 of such Act (42 U.S.C. 300gg–23) is amended—

(A) in subsection (a)(1), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)'';

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting after subsection (b) the following new subsection:

''(c) SPECIAL RULES IN CASE OF MANAGED CARE REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 2706 and part C, and part D insofar as it applies to section 2706 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such provisions.''.

(2) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Section 2762 of such Act (42 U.S.C. 300gg–62), as added by section 605(b)(3)(B) of Public Law 104–204, is amended—

(A) in subsection (a), by striking ''subsection (b), nothing in this part'' and inserting ''subsections (b) and (c)'', and

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

''(c) SPECIAL RULES IN CASE OF MANAGED CARE REQUIREMENTS.—Subject to subsection (b), the provisions of section 2752 and part C, and part D insofar as it applies to section 2752 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such section.''.

(d) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 2723(a)(1) of such Act (42 U.S.C. 300gg–23(a)(1)) is amended by striking ''part C'' and inserting ''parts C and D''.

(2) Section 2762(b)(1) of such Act (42 U.S.C. 300gg–62(b)(1)) is amended by striking ''part C'' and inserting ''part D''.

(e) ASSURING COORDINATION.—Section 104(1) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) is amended by striking ''under this subtitle (and the amendments made by this subtitle and section 401)'' and inserting ''title XXVII of the Public Health Service Act, under part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, and chapter 100 of the Internal Revenue Code of 1986''.

SEC. 202. MANAGED CARE REQUIREMENTS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

''SEC. 713. MANAGED CARE REQUIREMENTS.

''(a) IN GENERAL.—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the applicable requirements of part C of title XXVII of the Public Health Service Act.

''(b) REFERENCES IN APPLICATION.—In applying subsection (a) under this part, any reference in such part C—

''(1) to a health insurance issuer and health insurance coverage offered by such an issuer is deemed to include a reference to a group health plan and coverage under such plan, respectively;

''(2) to the Secretary is deemed a reference to the Secretary of Labor;

''(3) to an applicable State authority is deemed a reference to the Secretary of Labor; and

''(4) to an enrollee with respect to health insurance coverage is deemed to include a reference to a participant or beneficiary with respect to a group health plan.''.

(b) MODIFICATION OF PREEMPTION STANDARDS.—Section 731 of such Act (42 U.S.C. 1191) is amended—

(1) in subsection (a)(1), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection:

''(c) SPECIAL RULES IN CASE OF MANAGED CARE REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 713 and part C of title XXVII of the Public Health Service Act, and subpart C insofar as it applies to section 713 or such part, shall not be construed to preempt any State law, or the enactment or implementation of such a State law, that provides protections for individuals that are equivalent to or stricter than the protections provided under such provisions.''.

(c) CONFORMING AMENDMENTS.—(1) Section 732(a) of such Act (29 U.S.C. 1185(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 713''.

(2) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 712 the following new item:

''Sec. 713. Managed care requirements.''.

SEC. 203. MANAGED CARE REQUIREMENTS UNDER THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Subchapter B of part B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

''SEC. 9813. MANAGED CARE REQUIREMENTS.

''(a) IN GENERAL.—Subject to subsection (b), a group health plan shall comply with the applicable requirements of part C of title XXVII of the Public Health Service Act.

''(b) REFERENCES IN APPLICATION.—In applying subsection (a) under this subchapter, any reference in such part C—

''(1) to the Secretary is deemed a reference to the Secretary of the Treasury; and

''(2) to an applicable State authority is deemed a reference to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections in subchapter B of chapter 100 of such Code is amended by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Managed care requirements.''.

SEC. 204. MANAGED CARE REQUIREMENTS UNDER MEDICARE, MEDICAID, AND THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP).

(a) MEDICARE.—Section 1852 of the Social Security Act (42 U.S.C. 1395w–22), as inserted by section 4001 of the Balanced Budget Act of 1997 (Public Law 101–33), is amended by adding at the end the following new subsection:

''(l) MANAGED CARE REQUIREMENTS.—Each Medicare+Choice organization that offers a Medicare+Choice plan described in section 1851(a)(1)(A) shall comply with the applicable requirements of part C of title XXVII of the Public Health Service Act in the same manner as such requirements apply with respect to health insurance coverage offered by a health insurance issuer, except to the extent such requirements are less protective of enrollees than the requirements established under this part.''.

(b) MEDICAID.—Section 1932(b)(8) of the Social Security Act, as added by section 4704(a) of the Balanced Budget Act of 1997, is amended—

(1) by striking ''AND MENTAL HEALTH'' and inserting '', MENTAL HEALTH, AND MANAGED CARE'',

(2) by inserting ''and of part C'' after ''of part A'', and

(3) by inserting before the period at the end the following: '', except to the extent such requirements are less protective of enrollees than the requirements established under this title''.

(c) FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM (FEHBP).—Chapter 89 of title 5, United States Code, is amended—

(1) by inserting after the item relating to section 8905a the following new section:

''§ 8905b. Application of managed care requirements

''Each health benefit plan offered under this chapter shall comply with the applicable requirements of part C of title XXVII of the Public Health Service Act in the same manner as such requirements apply with respect to health insurance coverage offered by a health insurance issuer, except to the extent such requirements are less protective of enrollees than the requirements established under this chapter.''; and

(2) in the table of sections, by inserting the following item after the item relating to section 8905a:

''8905b. Application of managed care requirements.''.

SEC. 205. EFFECTIVE DATES.

(a) GENERAL EFFECTIVE DATE FOR GROUP HEALTH PLANS.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by section 101, subsections (a), (c)(1), and (d) of section 201, and sections 203 and 204 shall apply with respect to group health insurance coverage for group health plan years beginning on or after July 1, 1998 (in this section referred to as the ''general effective date'') and also shall apply to portions of plan years occurring on and after January 1, 1999.

(2) TREATMENT OF GROUP HEALTH PLANS MAINTAINED PURSUANT TO CERTAIN COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan, or group health insurance coverage provided pursuant to a group health plan, maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments described in paragraph (1) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) the general effective date.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by such amendments shall not be treated as a termination of such collective bargaining agreement.

(b) GENERAL EFFECTIVE DATE FOR HEALTH INSURANCE COVERAGE.—The amendments made by section 101 and subsections (b), (c)(2), and (d) of section 201 shall apply with respect to individual health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the general effective date.

(c) EFFECTIVE DATE FOR COORDINATION.—The amendment made by section 201(e) shall take effect on the date of the enactment of this Act.

(d) FEDERAL PROGRAMS.—The amendments made by section 204 shall take effect on January 1, 1999.

By Mr. AKAKA:

S. 1500. A bill to amend the Hawaii Tropical Forest Recovery Act to establish voluntary standards for certifying forest products cultivated, harvested,

and processed in tropical environments in Hawaii and to grant a certification for Hawaii tropical forest products that meet the voluntary standards, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE HAWAII TROPICAL FOREST PRODUCTS CERTIFICATION ACT

Mr. AKAKA. Madam President, today I am introducing legislation to establish voluntary standards for certifying tropical forest products grown in Hawaii. Senator INOUYE has joined me in cosponsoring this measure.

Agriculture has long been the backbone of the economy of rural Hawaii. Recently, however, the decline of sugarcane has caused an upheaval for many of our rural communities. In the past 10 years, 21 sugarcane plantations have gone out of business and the State has lost 115,000 acres of sugarcane production.

For more than 160 years, sugar provided jobs and a special way of life for communities throughout the State. Cane is still king on Maui and parts of Kauai, but elsewhere it has disappeared from the agricultural map. Our great challenge is to develop new opportunities that keep Hawaii green and economically productive for at least as long—and hopefully longer—than our relationship with sugar.

For many landowners, the future of rural Hawaii is in forestry. But what will forestry in Hawaii look like 10, 20, or 50 years from now? Many people have strong feelings about how to answer this question.

Sustainability is the emerging idea in forest development. This means practicing stewardship that integrates the growth, nurturing, and harvesting of trees with the conservation of soil, air, water, and wildlife. Sustainable forests are managed to serve the needs of the present generation without compromising the needs of future generations.

In Hawaii, the stewardship ethic is very strong, especially within the forestry community. Hawaii's tropical forests are home to some of the richest biological diversity on the planet, and our forest managers understand the importance of preserving our living heritage. But in many countries, stewardship and responsible forest development is weak or nonexistent.

Around the globe, forests are disappearing at an unprecedented rate, and nowhere is this problem more severe than in the tropics. More than half of the world's tropical rain forests have been consumed, degraded, or destroyed in this century.

Because of the attention being given to forest degradation, consumers are asking questions about the source of the wood demand, and foresters to supply, wood products from well-managed forests.

As the demand for sustainable forest products has increased, criteria for sustainable forestry have been formalized. The result is a world-wide movement to verify that sustainable forestry claims are genuine. This process is known as certification.

In recent years, the Hawaii forestry industry has closely monitored the certification movement. The bill I am introducing today will prompt an important dialogue on certification. I am inviting all stakeholders in this issue—Hawaii's forest industry, landowners, conservation experts, and affected communities—to engage in a free and open exchange about forest certification.

What are the benefits of certification? For consumers, certification is a way of ensuring that forest products they purchase do not contribute to forest degradation. Independent verification of forestry practices is the Good Housekeeping Seal of Approval telling them that sustainable standards are being met.

To landowners, certification is a way of ensuring that their careful management is rewarded in the marketplace. A certification label may result in a premium for your products, better market access, and in some cases, more secure supply agreements. The best way for the Hawaii forest industry to increase the value of their resource may be to sell certified tropical wood products into a world market that recognizes the abuse that tropical forests have suffered—and is willing to pay more for a tropical product that has received proper certification.

Just how widespread is certification today? Forest certification is big business. Certification is practiced in 25 countries. European and North American buyers groups are committed to wood products certification. Eleven nations, including Germany and France, are represented in the European buyers group.

Certification is voluntary, not mandatory, and my bill reflects this fact. Over time, however, landowners who do not employ sustainable practices and do not seek certification may find it more difficult to market their timber.

My bill will establish standards certifying that Hawaii forest products are cultivated, harvested, and processed in a sustainable manner. Although forestry certification standards are high, certification will not require perfection. Like agriculture, forestry is subject to the forces of nature, and nature is often unpredictable.

For certification to become successful in Hawaii, I believe that a bottom up rather than top down approach to consensus-building makes the most sense. With this in mind, in January, 1998, I will convene a meeting in Hawaii to further the dialog about forest certification and the bill I introduced today.

Certification can take root in Hawaii without action by Congress. However, my bill can jump start the dialog and provide a format for discussion. I will be the first one to cheer if certification becomes a reality with, or without, legislation by Congress.

By Mr. JEFFORDS:

S. 1501. A bill to amend the Employee Retirement Income Security Act of 1974 to improve protection for workers in multiemployer pension plans; to the Committee on Labor and Human Resources.

THE WORKERS' PENSION PROTECTION ACT OF 1997

Mr. JEFFORDS. Mr. President, I am today introducing the Workers' Pension Protection Act. This legislation will level the playing field for millions of American workers who currently participate in defined benefit multiemployer pension plans.

As I am certain many of my colleagues are aware, there is a difference between multiemployer and single-employer pension plans. Multiemployer plans are maintained by a specific union, and supported by the various employers that union has organized, whereas single-employer plans are established by one company for its own employees. Thus, the Central States Teamsters pension fund covers individuals who work for employers the Teamsters have organized in the Midwestern United States. By contrast, General Electric has its a single-employer plan, or plans, that it established for its own employees.

This bill is only concerned with multiemployer pension plans. It protects workers' benefits by making sure that multiemployer plans are funded so that benefits promised today will be available when workers retire in the future. Many of this country's multiemployer pension plans are underfunded by billions of dollars. It is true that a plan can be underfunded by billions of dollars but the relationship of assets to liabilities can still be relatively high. However, we are looking at plans that are not only underfunded by large amounts, but also where liabilities seriously outstrip assets.

This legislation both increases funding and reporting requirements on multiemployer plans, so that we know when plans are becoming riskier, and improves protections and benefits. American workers rely upon their pensions to support them through their twilight years. Unfortunately pension plans are not infallible and too often, the American workers discover that their plan is bankrupt and that all pension payments are now in the hands of the Pension Benefit Guaranty Corporation [PBGC], the Federal agency charged with insuring defined benefit pension plans. What these workers may not realize is that under a single-employer plan, up to $33,132 per year is protected by the PBGC's pension insurance, but under the multiemployer pension insurance system, they can only receive $5,850. My legislation will not completely eliminate this unfairness, but it will slightly more than double the amount payable by the PBGC, by increasing benefits from $5,850 to $12,780. This change in the guaranty benefit amount would be the first increase to those benefits since the multiemployer program was enacted in 1980.

Next, this bill will require plans to fund their current pension promises before making new ones. Pension plan trustees would be unable to grant benefit increases if a plan is less than 95 percent funded. This provision is needed to keep underfunded plans from going deeper in the red if collective bargaining ignores the underfunding problem.

Third, this legislation will require multiemployer pension plans to use single, identified interest rate and mortality table assumptions in all calculations. As in the single-employer pension plan reform legislation of 1994, the interest rates and mortality tables must be standardized and must conform to the most recent data available. With this change, plans may not use one set of numbers when reporting the level of funding in their plan to the PBGC, and another set of numbers when determining liability associated with a withdrawal from the plan. That amounts to manipulating interest rates to game the system. We require single-employer pension plans to use a specific interest rate and a mortality table. I believe it should apply to multiemployer plans, as well.

Fourth, the bill will require that plan trustees notify participants, annually and in plain English, of how well or poorly funded their plans are. Once and for all, multiemployer pension plan participants and beneficiaries will have a chance to learn how secure—or insecure—their retirement benefits are. It is one thing to tell a plan participant what his or her expected benefit will be upon retirement. It is quite another to let a participant know that their pension plan could have 45 percent more in liabilities than it has in assets, or that it may have accumulated $5 billion in underfunding.

The PBGC has told us that notification to participants of plan funding has worked well for single-employer plans. Since it has been a success for the single-employer insurance system, we should extend the same protections to participants in multiemployer plans. With a better understanding of the worth of their benefits, workers can make informed decisions about their retirement needs. I think such notification is a vitally important participant protection for multiemployer pension plan participants.

Finally, the bill will increase premiums imposed by the PBGC upon sponsors of multiemployer pension plans. Currently, premiums are $2.60 per participant but they have not been increased since the multiemployer guaranty program was enacted in 1980. By contrast, the single employer premium has been increased by Congress eight times since ERISA was passed in 1974. The minimum premium for fully funded single-employer plans is now $19 per participant, but some underfunded plans are charged hundreds of dollars per participant for PBGC premiums. If we are going to raise multiemployer benefits, it is also time to raise multiemployer premiums. Over a 3-year period, my bill will double premiums, increasing them to $5.20 per participant.

Mr. President, I realize that it is the end of the session. I am introducing this measure now in order to permit review and comment by interested parties in advance of hearings I will be holding on this issue next year. This bill takes modest, but overdue steps to protect participants of multiemployer pension plans. I hope that those concerned with the safety and security of, and equity in, multiemployer pension plans will not hesitate to step forward to be heard. There are slightly more than 1,800 multiemployer pension plans in this Nation providing benefits to approximately 8.7 million individuals. This bill protects those workers and retirees—and they need and deserve our oversight. I encourage my colleagues in the Senate to join me in sponsoring this important piece of legislation.

By Mr. WELLSTONE:

S. 1503. A bill to protect the voting rights of homeless citizens; to the Committee on Rules and Administration.

THE VOTING RIGHTS OF HOMELESS CITIZENS ACT OF 1997

Mr. WELLSTONE. Mr. President, I rise today to introduce the Voting Rights of Homeless Citizens Act of 1997. I am proud to stand alongside the distinguished House sponsor of this bill, Representative JOHN LEWIS.

Mr. President, over the course of the last century, Congress has systematically removed the major obstacles that once prevented many of our citizens from voting. Not too long ago, only land-owning white men had the privilege of participating in our democracy. Women and minorities were prohibited from casting the ballot. More recently, people had to pay a poll tax or take a test in order to qualify to vote.

Before the civil rights movement, there were areas in the southern part of this country where the vast majority of the population was black, but there wasn't a single registered black voter. In 1964, three young men gave their lives while working to register people to vote in rural Mississippi. Many people over the course of our history have sacrificed their lives in order to expand voting rights for all Americans.

In 1964 President Lyndon Johnson proposed that we ''eliminate every remaining obstacle to the right and opportunity to vote.'' Eight months later, this Congress passed the Voting Rights Act of 1965, making it possible for millions of Americans to participate in the political process for the first time.

Our Nation has made even more progress since then. The motor voter law made voter registration more accessible to working people. But our historic strides have not taken us far enough. The time is long overdue to ensure that every American has the opportunity to exercise this fundamental right. It is reprehensible that there are still American adults who are unable to partake of the most important right of citizenry.

The purpose of this legislation is to give the power to vote to homeless citizens of this country. The bill would remove the legal and administrative barriers that inhibit them from exercising this right. No one should be excluded from registering to vote simply because they do not have an address. But in many States, the homeless are left out and left behind. This is wrong. This is against the grain of this great nation.

I ask my colleagues to join me in opening the political process to every American—even those without a home. I urge my colleagues to join me by cosponsoring and supporting passage of the Voting Rights of Homeless Citizens Act of 1997.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S.1503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Voting Rights of Homeless Citizens Act of 1997'.

SEC. 2. VOTING RIGHTS OF HOMELESS CITIZENS.

No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because that citizen resides at or in a nontraditional abode.

SEC. 3. ENFORCEMENT.

The Attorney General may commence in the name of the United States a civil action (including an action against a State or political subdivision) or an aggrieved citizen may institute a proceeding under this Act, for injunctive relief against a violation of section 2.

SEC. 4. RELATIONSHIP TO VOTING RIGHTS ACT OF 1965.

This Act shall not be construed to impair any right guaranteed by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 5. DEFINITIONS.

As used in this Act, the term 'nontraditional abode' includes—

(1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); and

(2) a public or private place not designated for, or ordinarily used as, regular sleeping accommodation for human beings.

SEC. 6. EFFECTIVE DATE.

This Act applies with respect to elections taking place after December 31, 1997.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. KENNEDY, Mr. ABRAHAM, and Ms. MOSELEY-BRAUN):

S. 1504. A bill to adjust the immigration status of certain Haitian nationals who where provided refuge in the United States; to the Committee on the Judiciary.

THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1997

Mr. GRAHAM. Mr. President, I commend my colleagues on reaching an

agreement on what has been a very long and difficult negotiation relative to Central American and other immigrants. I note that we have in the Chamber at this time two of the Members of the House of Representatives who have been most active in achieving this result that is close to being reality, Congresswoman ILEANA ROS-LEHTINEN and Congressman LINCOLN DIAZ-BALART. I extend my special thanks to them and congratulations on the success of their hard work.

Many months ago, these two fine Members of the House of Representatives, and others, including Senator MACK, Senator SPENCER ABRAHAM, and Senator KENNEDY, became interested in legislation that would provide justice and fairness for individuals who, due to duress, extreme hardship and political strife in their native countries, had been welcomed into our Nation by President Reagan and President Bush. I was proud to be part of this effort.

The agreement reached with our distinguished colleagues covers not only Central Americans, but also other groups who have struggled against oppression. While I strongly believe that this agreement is positive and is in the American tradition of fair play, it is an incomplete resolution. It is incomplete because there is another relatively small group of persons who have the same characteristics as those who are being recognized for whom legislation is being passed today as part of the District of Columbia appropriations bill. That group is Haitians.

There are 11,000 Haitians who, because of their credible asylum claims, were flown to the United States by our Government during the early 1990's. These were men, women and children, Mr. President, who had left Haiti because of the oppressive circumstances there.

Mr. President, this group of approximately 11,000 Haitians, who because of credible asylum claims were allowed to enter the United States in the early 1990s, were part of a much larger group of over 40,000 Haitians who had been detained at sea and temporarily were in a refuge status at our Guantanamo naval station.

These were the 11,000 of that larger group who were found, based on screenings administered by the Immigration Naturalization Service, to have a credible claim of persecution should they be returned to Haiti. The balance of those who could not meet that standard were in fact repatriated to Haiti.

There is a second group of similar size and significant overlap in terms of the individuals who are part of the asylum backlog. These are those who have had pending asylum cases since 1995.

Mr. President, I am pleased to be joined in introducing this legislation today which is entitled the Haitian Refugee Immigration Fairness Act of 1997, with my colleague Senator MACK, Senator KENNEDY, Senator ABRAHAM, and Senator CAROL MOSELEY-BRAUN.

Mr. President, fairness demands that we include this group in our legislation. First, this is a relatively small group. The two groups together, the Guantanamo asylees and those who have a pending asylum case combined, represent approximately 15,000 to 16,000 individuals. This, in relationship to those who we are providing essentially the same status to today, is a relatively small number.

Second, this group has been extensively screened. As I indicated, the Guantanamo asylees represent approximately one out of four of those persons who were, at one time, at the Guantanamo Naval Base and who were found to have a credible legitimate fear of persecution in Haiti.

I might say, Mr. President, as one who visited Haiti several times during this very tense period in the late 1980s and early 1990s, the level of human rights abuses, the savagery, the violence were extreme. And these persons who established if they had been returned to Haiti at that time, that they would have been significantly at risk, they were at risk in a very legitimately violent and hostile environment.

Deportations of this group, Mr. President, have already begun. Asylum officers have begun to send back members of the Haitian community to Haiti. And so there is a sense of urgency of dealing with this legislation before any additional injustices are committed.

And finally, the Guantanamo Haitians have established families in the United States. Many have had children born here who are United States citizens. They have opened businesses. They have built homes. They have strengthened our community here in the United States. They contribute to the diversity, the racial and social harmony, the positive traits of our increasingly multicultural Nation.

Mr. President, I would hope someday to have the opportunity to invite you to join me at Miami Dade Community College, which happens to be the largest community college in the Nation based on enrollment. It is inspiring to go to that campus, one of their several campuses, and see the number of young Haitian men and women who are living the American dream of hard work and education and advancing themselves so that they can better serve the interests of their families and our Nation.

This is a quality group of people who have made and will make significant contributions to our Nation.

They are making a contribution in many ways today. As an example, we have in Haiti a large number of Americans of Haitian heritage who are currently serving as mentors to the newly established police force in Haiti. They are helping to make an organization which did not exist a few years ago because there was no police force, all police activities were done through the military and often done in a very aggressive manner.

We are attempting to build a new institution to provide for security in Haiti. A key element of that are the large numbers of Americans of Haitian background who are assisting in that important effort within their former country.

That is just one dramatic example of the contributions which this community is making to their new home in America.

Mr. President, I ask my colleagues today to continue the fight for justice and fairness. We have taken a significant step in that effort tonight with the passage of the District of Columbia appropriations bill, which seems to be an odd place for such an important immigration bill to be lodged, but it is placed there.

This legislation will continue that effort by applying a similar standard of fair treatment to this important population of Haitians within our Nation.

I send to the desk the legislation and ask for its referral.

The PRESIDING OFFICER. It will be received and appropriately referred.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1504

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Haitian Refugee Immigration Fairness Act of 1997''.

SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN HAITIAN NATIONALS.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2000; and

(B) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition on submitting or granting such application, to file a motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who is a national of Haiti—

(1) who filed for asylum before December 31, 1995, or was paroled into the United

States prior to December 31, 1995, after having been identified as having a credible fear of persecution or paroled for emergent reasons or reasons deemed strictly in the public interest, and

(2) has been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and raises as a defense to such an order the eligibility of the alien to apply for adjustment of status under subsection (a), except where the Attorney General has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Haiti;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that they have been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed.

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed; and

(D) the alien is otherwise eligible to receive an immigration visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in aggregate not exceeding 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent resident pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this Act, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this Act shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator GRAHAM, Senator MACK, Senator ABRAHAM, and Senator MOSELEY-BRAUN in introducing legislation providing permanent residence to Haitian refugees.

The Senate has now adopted legislation to enable Nicaraguan and Cuban refugees to remain permanently in the United States as immigrants, and to enable Salvadorans and Guatemalans to seek similar relief on a case-by-case basis.

Haitian refugees deserve no less.

These families fled violence, torture, murder and other atrocities in Haiti. The Bush administration and the Clinton administration found that the vast majority of these refugees fled from Haiti because of a legitimate fear of persecution.

These deserving Haitian refugees have resettled in many different States. They brought with them an unparalleled love of freedom, and a strong commitment to our democracy. They honor the opportunity that America offers.

They were welcomed by churches and neighborhood groups, who have helped them rebuild their lives in communities across America. Today, they are contributing and valued members of our society.

Immigration relief for Haitian refugees should have been included in the legislation to assist the refugees from Central America.

President Clinton wrote to Speaker GINGRICH to emphasize the importance of comparable relief for Haitian refugee families at a time when Congress was acting on relief for other refugees. Haitian refugees deserve the same immigration opportunities that the Republican leadership is proposing for refugees from Central America.

But the Republican leadership in Congress said no. They even rejected our efforts at least to provide immediate relief from deportation for Haitian families.

While the Republicans said no to these refugees, I understand that the Clinton administration will be taking steps to assure these Haitian families that they will be protected from deportation while Congress considers legislation in the coming months to allow the families to seek permanent residence here.

And I commend Senator MOSELEY-BRAUN for her extraordinary leadership in working with the administration to achieve this important result, as well as Representative CARRIE MEEK for her tireless efforts for Haitian refugees.

The legislation we are introducing will provide the fair relief that is greatly needed. It is a matter of simple justice.

It should be adopted as soon as possible and I regret it was not part of the measure enacted today.

Ms. MOSELEY-BRAUN. Mr. President, I am pleased to join Senators MACK, KENNEDY, ABRAHAM, and GRAHAM in introducing the Haitian Refugee Immigration Fairness Act of 1997. I believe that this legislation will help mend a current shortcoming in the law.

During the early 1990's, our country flew in some 11,000 Haitians who fled the oppressive and dangerous conditions in their homeland during the overthrow of Haiti's democratically elected government. As you may know, this coup was marked by atrocious human rights abuses, including systematic use of rape and murder as weapons of terror. The International Civilian Mission, which has monitored human rights conditions throughout Haiti, documented this tragedy, including horrors so awful as to be almost imaginable.

To allow such human rights violations to occur so close to home, while doing nothing would have been inconsistent with the stated goals of our foreign policy. So in 1991, the United States took in persons fleeing Haiti at Guantanamo Bay, Cuba. After intense screening, many of these individuals were paroled into the United States to apply affirmatively for asylum. Between October, 1991 and May, 1992, over 30,000 Haitians were interviewed. Less than one-third of these individuals were paroled into the United States to seek asylum.

For the past 6 years, these individuals have had pending asylum cases with the Immigration and Naturalization Service. Now, despite the fact that these individuals have become a viable part of our Nation's communities, deportation of these Haitians has begun.

The individuals that I am talking about today are the children, wives, brothers, and sisters of soldiers and activists who stood up for democracy in Haiti and suffered a great deal because of the strength of their convictions. They fled to this country for refuge. They played by our rules. In the time that they've been here, they've built homes, paid taxes, and raised families in our country.

Two Presidential administrations have promised this class of people relief, and I believe that we have an obligation to make good on those promises. There is no excuse not to give them the relief similar to the relief that we have just recently granted to some 250,000 similarly situated Central American nationals.

I believe that in order to be equitable and fair, we must grant similar relief to this small group of individuals. This bill grants that relief. I urge my colleagues to join me in supporting this legislation, and look forward to working with everyone to see that this issue is equitably resolved.

By Mr. LOTT (for himself, Mr. DASCHLE, and Mr. WARNER):

S. 1508. A bill to authorize the Architect of the Capitol to construct a Capitol Visitor Center under the direction of the United States Preservation Commission, and for other purposes; to the Committee on Rules and Administration.

LEGISLATION AUTHORIZING THE CONSTRUCTION OF A CAPITOL VISITORS CENTER

Mr. WARNER. Mr. President, I rise as an original cosponsor of this legislation that will authorize the Architect of the Capitol to construct a Capitol Visitor Center under the direction of the U.S. Capitol Preservation Commission.

The construction of a Capitol Visitor Center is a matter that has been discussed and contemplated for many years. In fact, both the current and the preceding Architect of the Capitol have reviewed and supported the project. Over the years, I have personally been involved in numerous Rules Committee hearings and briefings on the subject.

In my view, the time has come for Congress to move ahead with this project. This legislation is an important step in that direction in that it directs the Capitol Preservation Commission to develop a detailed financial plan for constructing the project, largely with funds donated by the American people.

The Capitol is the second most visited building in the entire Washington, DC area, having nearly 35,000 visitors pass through its doors every day. For many visitors there are long lines and waits in hot sticky weather, or cold wet weather, as there is no place for visitors to gather in preparation for their tour through the Capitol.

The Capitol Visitor Center will have a tremendous, positive impact on the informational and educational experience afforded visitors to the Capitol. It will provide information regarding the history and role of Congress, along with additional information about the visitor's Representative and Senators

But for me, the most compelling need for the Capitol Visitor Center is to add a major element of enhanced security for the entire Capitol building and environs. During the recent Capitol security hearings held in the Senate Rules Committee, the security benefits that a Capitol Visitor Center will provide were outlined clearly by the Capitol Police Board. I strongly believe that the security benefits provided by a Capitol Visitor are not to be taken lightly.

I hope all Members will support this important legislation that will greatly enhance the experience visitors receive when visiting our Nations Capitol.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1509. A bill to authorize the Bureau of Land Management to use vegetation sales contracts in managing land at Fort Stanton and certain nearby acquired land along the Rio Bonita in Lincoln County, New Mexico, to the Committee on Energy and Natural Resources.

THE FORT STANTON AND RIO BONITO CORRIDOR VEGETATION MANAGEMENT ACT

Mr. DOMENICI. Mr. President, I rise to introduce a bill to authorize the Bureau of Land Management to generate funds for the management of Fort Stanton and the Rio Bonito Corridor in Lincoln County, NM. These funds will be raised by authorizing the use of vegetation sales contracts, which will allow the use of forage for livestock grazing.

The Fort Stanton and Rio Bonito Corridor Vegetation Management Act will provide livestock producers with opportunities for additional grazing in the Fort Stanton area, while providing the Bureau of Land Management [BLM] the flexibility to manage the lands in this area according to the recently approved Roswell Area Resource Management Plan.

Mr. President, as background, land in the Fort Stanton area has been acquired by the BLM through purchase, exchange, and transfer from the State of New Mexico. Fort Stanton itself came under the jurisdiction of the BLM by transfer from the U.S. General Services Administration in 1956. Certain tracts along the Rio Bonito in the Fort Stanton area came to the BLM by exchange in 1995. These lands are highly valued for their unique cultural, historic, and natural resources.

General, livestock grazing is managed by the BLM according to a number of laws, including the Taylor Grazing Act, and the regulations that implement those laws. Currently, the Fort Stanton area lands are not within an established grazing district, and are not administered under the Taylor Grazing Act. To continue maintaining and improving the resources of these lands, and to fulfill the management objectives established through the Federal Land Policy and Management Act [FLPMA] planning process, the BLM needs additional management flexibility. The management of vegetation under this additional flexibility will allow for improvement of watershed conditions and wildlife habitat, and will allow for the development of additional recreational opportunities on these public lands, all of which provide benefits for the people and economy of Lincoln County, NM.

The use of livestock grazing in this area has been employed successfully by the BLM in the past. Rangeland improvements and vegetation treatments will emphasize the needs of wildlife and improve watershed management as intended under the current management plan. The use of vegetation sales contracts authorized by this legislation will allow the BLM to use livestock grazing without establishing grazing preferences on these lands.

Finally, Mr. President, the proceeds from vegetation sales contracts will provide additional money for the BLM to use in the management of Fort Stanton and the Rio Bonito Corridor. When offered by the BLM, these contracts will be sold to the highest bidder, who will then be permitted to graze livestock in this area under specific terms and conditions. Some will wonder how the Senator from New Mexico, who has consistently opposed the policy of competitive bidding for grazing permits on public lands, could offer such a proposal. Quite simply, Mr. President, the BLM's management plan for this area provides the rancher bidding on these contracts with facilities and a number of services at Fort Stanton, that it simply cannot provide on the vast majority of the 270 million acres it is charged with managing. This area will be similar to the furnished apartment—where facilities and services are provided by the BLM as a part of the contract—which my colleagues have heard used as a comparison on the Senate floor in the past. Grazing permits offered on other public domain lands remain the unfurnished apartment—where the BLM provides no facilities or services to grazing permittees.

At Fort Stanton, the BLM will be responsible for maintaining and operating the watering facilities, and will not require the lessee to construct improvements and pay for them out of his own pocket. Additionally, the BLM already owns all of the livestock handling facilities at Fort Stanton, and the lessee will be allowed to use them as a part of the contract. Under this legislation, part of the proceeds from the sale of these contracts will be available for BLM to provide improvements to existing facilities, and a greater level of onsight management than is available on other public lands. An additional difference is that this public land has not been an integral part of an established ranch for the past 60 years, at least not in the same

manager as public land ranches governed by the Taylor Grazing Act. This means that providing opportunities for competitive bidding in this area will not remove the heart of an existing family ranch that has been in operation for several generations.

Mr. President, I am hopeful that the Senate will be able to move this legislation through Congress rapidly next year, and I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fort Stanton and Rio Bonito Corridor Vegetation Management Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the lands under the jurisdiction of the Secretary surrounding Fort Stanton, New Mexico, contain historic and natural resources that warrant special management considerations by the Bureau of Land Management;

(2) the adjudication process for establishing grazing preferences under the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (43 U.S.C. 315 et seq.) and other applicable laws has not been conducted on lands acquired by the Secretary at and near Fort Stanton, New Mexico, including lands along the Rio Bonito in Lincoln County, New Mexico;

(3) in the management of renewable forage resources on lands surrounding Fort Stanton, New Mexico, vegetation sales contracts would be a beneficial tool for the Bureau of Land Management to use to maintain and enhance the condition of the forage and other natural resources of the area;

(4) the management of grazing animals under vegetation sales contracts requires fiscal resources and personnel that exceed that of the grazing preference system in place on other public domain lands; and

(5) disputes over the legal description of lands acquired by the Secretary along the Rio Bonito in Lincoln County, New Mexico, make it necessary for the Bureau of Land Management to pursue reasonable legal remedies under existing authorities to resolve such disputes with adjacent landowners.

SEC. 3. DEFINITIONS.

(1) FORT STANTON.—The term ''Fort Stanton'' means land under the administrative jurisdiction of the Secretary at Fort Stanton, New Mexico, as depicted on the map entitled ''Fort Stanton and Rio Bonito Corridor, NM'', dated May 13, 1997.

(2) RIO BONITO CORRIDOR.—The term ''Rio Bonito Corridor'' means land under the administrative jurisdiction of the Secretary near Fort Stanton, New Mexico, within the area identified as the ''Rio Bonito Corridor'', as depicted on the map entitled ''Fort Stanton and Rio Bonito Corridor, NM'', dated May 13, 1997, which—

(A) was acquired by the Secretary before May 13, 1997; or

(B) is acquired by the Secretary (by purchase or exchange) from willing landowners after May 13, 1997.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 4. MAPS.

The maps referred to in section 3 shall be made available for public inspection by the Bureau of Land Management at the Roswell District Office in Roswell, New Mexico, and at the New Mexico State Office in Santa Fe, New Mexico.

SEC. 5. MANAGEMENT OF FORT STANTON AND RIO BONITO LAND.

(a) IN GENERAL.—Notwithstanding any provision of the Act of June 28, 1934 (43 U.S.C. 315 et seq.), or any other law relating to the establishment, leasing, or permitting of grazing under a grazing preference, the Secretary, in managing land within Fort Stanton and the Rio Benito Corridor that is under the jurisdiction of the Secretary, may solicit competitive bids for and enter into vegetation sales contracts for the purpose of using livestock grazing as a vegetation management tool. Any such contracts entered into with respect to the land before the date of enactment of this Act are ratified.

(b) CONSISTENCY WITH LAND AND RESOURCE MANAGEMENT PLANS.—Management of Fort Stanton and the Rio Benito Corridor shall be consistent with any applicable land and resource management plan under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(c) DISTRIBUTION AND USE OF PROCEEDS.—Of the proceeds of vegetation sales contracts entered into under subsection (a)—

(1) 12½ percent shall be paid to the State of New Mexico for distribution to Lincoln County, New Mexico, to be used for purposes authorized by section 10 of the Act of June 28, 1934 (43 U.S.C. 315i);

(2) 12½ percent shall be deposited in the general fund of the Treasury of the United States; and

(3) 75 percent shall be deposited in a special account in the Treasury of the United States and shall be available to the Secretary, without further Act of appropriation, for use in managing Fort Stanton and the Rio Benito Corridor and to achieve the management goals and prescriptions identified in applicable resource management plans for the Rio Benito acquired lands and the Fort Stanton area of critical environmental concern, but none of the proceeds provided to the Secretary under this paragraph shall be available for land acquisition.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1510. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico; to the Committee on Energy and Natural Resources.

THE RIO ARRIBA, NEW MEXICO LAND CONVEYANCE ACT OF 1997

Mr. DOMENICI. Mr. President, today, I am introducing legislation that I believe will provide long-term benefits for the people of Rio Arriba County, New Mexico. This legislation will direct the Secretaries of the Interior and Agriculture to convey real property and improvements at an abandoned and surplus administrative site for the Carson National Forest to Rio Arriba County. The site is known as the old Coyote Ranger District Station, near the small town of Coyote, New Mexico.

This legislation is patterned after a similar transfer that the 103rd Congress directed the Secretary of Agriculture to complete on the old Taos Ranger District Station in 1993. As with the Taos station, the Coyote Station will continue to be used for public purposes, including a community center, and a fire substation. Some of the buildings will also be available for the County to use for storage and repair of road maintenance equipment, and other County vehicles.

Mr. President, the Forest Service has determined that this site is of no further use to them, since they have recently completed construction of a new administrative facility for the Coyote Ranger District. In an October 22 letter from the Regional Forester of the Southwest Region, I was informed that on August 7, the Forest Service reported to the General Services Administration that the improvements on the site were considered surplus, and would be available for disposal under their administrative procedures. At this particular site, however, the land on which the facilities have been built is withdrawn public domain land, under the jurisdiction of the Bureau of Land Management.

Because of the complicating factor of the land and the facilities being under the jurisdiction of two separate Departments of the Federal government, I believe that this directed conveyance to Rio Arriba County will provide for a more efficient and expedited transfer. Under administrative processes, not only will the Departments of the Interior and Agriculture have to go through their respective procedures, but there will likely be some involvement of the General Services Administration. This legislation simply directs the Secretaries of the Interior and Agriculture to negotiate the terms and conditions of the conveyance directly with officials from Rio Arriba County.

Mr. President, since neither the Bureau of Land Management nor the Forest Service have any interest in maintaining Federal ownership of this land and the surplus facilities, I believe that this should be a relatively straight-forward issue for Congress to address. I hope that we will be able to act on this legislation quickly next spring.

In closing, Mr. President, I want to thank the Senate for its consideration, and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OLD COYOTE ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall convey by quit-claim deed to the county of Rio Arriba, New Mexico, subject to the terms and conditions stated in subsection (b), all right, title, and interest of the United States in and to the land (including all improvements on the land) known as the ''Old Coyote Administrative Site'' located approximately ½ mile east

of the Village of Coyote, New Mexico on State Road 96, comprising 1 tract of 130.27 acres and 1 tract of 276.76 acres.

(b) TERMS AND CONDITIONS.—

(1) CONSIDERATION.—The conveyance described in subsection (a) shall be in consideration of an amount that is agreeable to the Secretary of the Interior, the Secretary of Agriculture, and the county of Rio Arriba, New Mexico, payable in full within the 6-month period referred to in subsection (a), or, at the option of the county, in 20 annual payments due on January 1 of the first year beginning after the date of enactment of this Act and annually thereafter until the total amount due has been paid. The county shall not be charged interest on amounts owed the United States for the conveyance.

(2) RELEASE.—On conveyance of the property under subsection (a), the county shall release the United States from any liability for claims relating to the property.

(3) REVERSION.—The conveyance under subsection (a) shall be a conveyance fee simple title to the property, subject to reversion to the United States if the property is used for other than public purposes or if the consideration requirements under paragraph (1) are not met.

By Mr. LAUTENBERG (for himself, Mr. D'AMATO, Mr. MOYNIHAN, and Mr. TORRICELLI):

S. 1512. A bill to amend section 659 of title 18, United States Code; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation with Senators D'AMATO, MOYNIHAN, and TORRICELLI that addresses the growing problem of cargo theft. This crime, which covers the interstate theft of cargo from ports, airports, rails, and roads, causes losses as high as $10 billion a year in the United States. The ''Cargo Theft Deterrence Act of 1997'' increases the incentive for prosecutors to pursue this crime and for defendants to cooperate with law enforcement. Furthermore, this legislation clarifies what is covered by existing law.

Cargo theft continues unabated as criminals discover that the risks of getting caught and prosecuted are far lower than for comparably lucrative crimes. This tends to be an under-reported crime that has received a relatively small amount of attention by Congress. I believe this must change. Mr. President, let me cite a few statistics that should demonstrate to my colleagues the seriousness of this crime and why we should act. In 1994, the dollar value in goods stolen from a single tractor-trailer rig in New Jersey was higher than all of the bank robberies combined in my state for that year.

While certain regions of the United States, such as New Jersey/New York, Southern California, and South Florida, sustain higher cargo theft losses than others, consumers nationwide are affected. For example, one industry group estimated that computers cost an average of $150 more because of cargo theft, and that approximately $3.5 billion of computers, chips, and software are stolen annually. The risk management director for one computer company said that ''it's a rare company that hasn't ever lost a truck.'' Most people do not realize that the value of computer chips per pound is higher than gold. And, unfortunately, the resale value of stolen items is much higher than what one might believe. Many of these goods end up overseas while others are sold in the same city.

Mr. President, virtually no product is safe from this crime. While theft of computers and computer products, fragrances, and designer clothes are not uncommon, items ranging from frozen seafood, pineapple pulp, cough drops, refried beans, and insulation have been reported stolen.

The industry maxim of ''cargo at rest is cargo at risk'' is no longer a truism—all cargo is a risk—and contrary to the belief that this is a victimless crime, an alarming number of tractor trailers have been hijacked. This occurred just several weeks ago in New Jersey, when a truck was hijacked right after leaving a port. Fortunately the driver was unharmed though one million dollars' worth of clothes were stolen. Tighter measures taken by port authorities and manufacturers at their plants have caused such hijackings to increase.

Mr. President, the need for this legislation is not a criticism of our law enforcement. The Port Authority of New York & New Jersey, for example, has made significant strides at curbing this crime in the New Jersey/New York region. Unfortunately, existing law does not provide an adequate deterrent because the penalties are not sufficiently severe nor is there an incentive for defendants to cooperate with prosecutors.

Let me explain, Mr. President, what my legislation will do. It will bring efforts to fight this crime into the next century. Enacted in its earliest form in 1913, the statute that my bill modifies covers such older modes of transportation and distribution of cargo as wagons, depots, and steamboats. My bill recognizes the advances we have made in intermodal connections and transportation by adding such terms as ''trailer,'' ''air cargo container,'' and ''freight consolidation facility.'' The days of cargo theft from wagons are gone. Furthermore, the Cargo Theft Deterrence Act broadens the statute's coverage to clarify that cargo is moving as an interstate or foreign shipment at all points between the point of origin and the final destination. Merely because a container is temporarily at rest awaiting transport to its final destination should not prevent law enforcement from prosecuting a defendant under this statute. Existing law currently covers cargo moving as a part of interstate or foreign commerce.

My legislation increases the penalties for convictions under this statute. Current law provides that those convicted of this provision shall be fined or imprisoned not more than one year, or both. My bill increases this maximum prison term to three. This statute, as currently written, requires the government to prove that not only did a defendant embezzle, steal, or unlawfully take the cargo, it must show that he did so with the intent to convert to his own use. This seems duplicative at best and is an unnecessary hurdle for the prosecutor to demonstrate. The Cargo Theft Deterrence Act eliminates the term, ''with intent to convert to his own use'' from this statute. Since we have removed this intent language, we have created the affirmative defense that the defendant bought, received, or possessed the cargo with the sole intent of reporting the matter to either law enforcement or the owner of the cargo.

The Sentencing Commission is directed to provide a sentencing enhancement of two levels for this crime similar to enhancements made for offenses involving organized schemes to steal vehicles or if the offense involved more than minimal planning. This Act also requires the Attorney General to report annually to Congress on the progress made by law enforcement investigating and prosecuting this crime. Additionally, upon motion by the Attorney General, a court may reduce the penalties if a defendant cooperates with law enforcement. Use of informants is essential in reducing this crime and this provision creates an appropriate incentive.

Finally, Mr. President, my legislation creates a Cargo Theft Advisory Committee that will study and make recommendations about the establishment of a national data base of information about this crime. A constant complaint by industry and law enforcement is that there is a lack of good data about cargo theft. Industry tends to under-report it and law enforcement frequently classifies it in such categories as theft, robbery, hijacking, and burglary. This Committee, which shall exist for one year and report its findings and recommendations to Congress and the President, will also review the desirability of creating a centralized office within the federal government to oversee efforts designed to curb cargo theft and to increase coordination with the private sector, and state and local law enforcement.

Mr. President, I thought an advisory committee was the most prudent course because legitimate questions have been raised about whether this data base should be maintained by the public or private sector, who should be able to access it, and what information should be collected, yet remain confidential. Moreover, there are several logical agencies that could house an office on cargo security so I thought it is appropriate to have cargo security experts in both the public and private sector make this recommendation.

Mr. President, I look forward to the Judiciary Committee's consideration of this legislation and urge my colleagues to support this first step in addressing this crime that affects all Americans. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cargo Theft Deterrence Act of 1997''.

SEC. 2. INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER.

(a) IN GENERAL.—Section 659 of title 18, United States Code, is amended—

(1) by striking ''with intent to convert to his own use'' each place that term appears;

(2) in the first undesignated paragraph—

(A) by inserting ''trailer,'' after ''motortruck,'';

(B) by inserting ''air cargo container,'' after ''aircraft,''; and

(C) by inserting '', or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility,'' after ''air navigation facility'';

(3) in the fifth undesignated paragraph—

(A) by striking ''one year'' and inserting ''3 years''; and

(B) by adding at the end the following: ''Notwithstanding the preceding sentence, the court may, upon motion of the Attorney General, reduce any penalty imposed under this paragraph with respect to any defendant who provides information leading to the arrest and conviction of any dealer or wholesaler of stolen goods or chattels moving as or which are a part of or which constitute an interstate or foreign shipment.'';

(4) in the penultimate undesignated paragraph, by inserting after the first sentence the following: ''For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidence by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.''; and

(5) by adding at the end the following:

''It shall be an affirmative defense (on which the defendant bears the burden of persuasion by a preponderance of the evidence) to an offense under this section that the defendant bought, received, or possessed the goods, chattels, money, or baggage at issue with the sole intent to report the matter to an appropriate law enforcement officer or to the owner of the goods, chattels, money, or baggage.''.

(b) FEDERAL SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 2 levels for any offense under section 659 of title 18, United States Code, as amended by this section.

(c) REPORT TO CONGRESS.—The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code, as amended by this section.

SEC. 3. ADVISORY COMMITTEE ON CARGO THEFT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a Committee to be known as the Advisory Committee on Cargo Theft (in this section referred to as the ''Committee'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Committee shall be composed of 6 members, who shall be appointed by the President, of whom—

(i) 1 shall be an officer or employee of the Department of Justice;

(ii) 1 shall be an officer or employee of the Department of Transportation;

(iii) 1 shall be an officer or employee of the Department of the Treasury; and

(iv) 3 shall be individuals from the private sector who are experts in cargo security.

(B) DATE.—The appointments of the initial members of the Committee shall be made not later than 3 days after the date of enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Each member of the Committee shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 15 days after the date on which all initial members of the Committee have been appointed, the Committee shall hold its first meeting.

(5) MEETINGS.—The Committee shall meet, not less frequently than quarterly, at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON.—The President shall select 1 member of the Committee to serve as the Chairperson of the Committee.

(b) DUTIES.—

(1) STUDY.—The Committee shall conduct a thorough study of, and develop recommendations with respect to, all matters relating to—

(A) the establishment of a national computer database for the collection and dissemination of information relating to violations of section 659 of title 18, United States Code (as added by this Act); and

(B) the establishment of an office within the Federal Government to promote cargo security and to increase coordination between the Federal Government and the private sector with respect to cargo security.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit to the President and to Congress a report, which shall contain a detailed statement of results of the study and the recommendations of the Committee under paragraph (1).

(c) POWERS.—

(1) HEARINGS.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out the purposes of this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out the provisions of this section. Upon request of the Chairperson of the Committee, the head of such department or agency shall furnish such information to the Committee.

(3) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(d) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL MEMBERS.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

(B) FEDERAL MEMBERS.—Each member of the Committee who is an officer or employee of the United States shall serve without compensation in addition to that received for their service as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(B) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION.—The Committee shall terminate 90 days after the date on which the Committee submits the report under subsection (b)(2).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to the Committee to carry out the purposes of this section.

(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. SMITH, his name was withdrawn as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 173

At the request of Mr. DEWINE, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 173, a bill to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

S. 632

At the request of Mr. KOHL, the name of the Senator from New Mexico [Mr.

BINGAMAN] was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes.

S. 1115

At the request of Mr. JEFFORDS, his name was added as a cosponsor of S. 1115, a bill to amend title 49, United States Code, to improve one-call notification process, and for other purposes.

S. 1225

At the request of Mr. HUTCHINSON, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1225, a bill to terminate the Internal Revenue Code of 1986.

S. 1299

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 1299, a bill to limit the authority of the Administrator of the Environmental Protection Agency and the Food and Drug Administration to ban metered-dose inhalers.

S. 1310

At the request of Mr. FORD, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1310, a bill to provide market transition assistance for tobacco producers, tobacco industry workers, and their communities.

S. 1320

At the request of Mr. ROCKEFELLER, the names of the Senator from Connecticut [Mr. DODD] and the Senator from North Dakota [Mr. DORGAN) were added as cosponsors of S. 1320, a bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf War for purposes of determining a service connection relating to such illnesses, and for other purposes.

S. 1321

At the request of Mr. TORRICELLI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1350

At the request of Mr. FEINGOLD, his name was added as a cosponsor of S. 1350, a bill to amend section 332 of the Communications Act of 1934 to preserve State and local authority to regulate the placement, construction, and modification of certain telecommunications facilites, and for other purposes.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1379

At the request of Mr. DEWINE, the names of the Senator from New Jersey [Mr. TORRICELLI] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 1379, a bill to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HOLLINGS, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Concurrent Resolution 52, a concurrent resolution relating to maintaining the current standard behind the ''Made in USA'' label, in order to protect consumers and jobs in the United States.

SENATE CONCURRENT RESOLUTION 67—DESIGNATING THE MILLENNIUM PROJECT

Mrs. HUTCHISON (for herself, Mrs. MURRAY, Ms. SNOWE, Ms. FEINSTEIN, Ms. BOXER, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Ms. COLLINS) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 67

Whereas knowledge of our heritage is critical to understanding and meeting the challenges of today and developing a vision for our future;

Whereas the recognition of historic contributions of women to civilization is woefully lacking and such contributions are misunderstood in our Nation's cultural and historical landscape;

Whereas the Foundation for Women's Resources has announced the creation of The Women's Museum: An Institute for the Future (in this resolution referred to as the ''Museum''), a state-of-the-art, interactive museum that will—

(1) profile the specific achievements of individual women throughout history;

(2) explore the experiences of women in our civilization; and

(3) celebrate the role of women in culture, commerce, politics, art, music, and the sciences;

Whereas the Museum will both honor the past contributions of women in history as well as the future role of women in our society;

Whereas the Museum will be housed in the restored State Fair Coliseum in Dallas, Texas, and designed by architect Wendy Evans Joseph, senior designer for the United States Holocaust Memorial Museum;

Whereas the Museum has been widely supported by numerous women's organizations, local governments, corporations, and individuals;

Whereas the Museum is scheduled to open in the year 2000, the first time as a Nation we have witnessed the turn of a millennium; and

Whereas the turn of the millennium will be commemorated by government institutions and agencies with special projects and events all over our country: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress—

(1) that the past, present, and future contributions of women to culture, commerce, politics, art, music, and the sciences should be recognized and celebrated;

(2) that The Women's Museum: An Institute for the Future, in Dallas, Texas, should be designated as a millennium project for the United States; and

(3) that Federal agencies and other Federal institutions should support the establishment and operation of The Women's Museum: An Institute for the Future by—

(A) providing construction and operational support;

(B) supporting a ground-breaking ceremony for the museum; and

(C) supporting the museum and its objectives in all other respects.

SENATE RESOLUTION 150—RELATIVE TO A $1 COIN

Ms. SNOWE submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 150

Whereas in 1940, Margaret Chase Smith became a Member of the House of Representatives, commencing 32 years of public service to the State of Maine and to the United States;

Whereas Margaret Chase Smith was elected to the Senate in 1948, becoming the first woman to be elected to the Senate, as well as the first woman to be elected to both the House of Representatives and the Senate;

Whereas on June 1, 1950, Margaret Chase Smith delivered an address entitled ''Declaration of Conscience'', which was a defense of the basic principles of Americanism, including the right to criticize, the right to hold unpopular beliefs, the right to protest, and the right to independent thought;

Whereas Margaret Chase Smith was the first woman to become the ranking member of a congressional committee;

Whereas Margaret Chase Smith was the first woman to serve on the Committee on Armed Services and the Committee on Appropriations of the Senate;

Whereas in 1964, Margaret Chase Smith was the first woman to have her name placed in nomination for the presidency by either major political party;

Whereas Margaret Chase Smith was the first civilian woman to sail on a United States destroyer during wartime;

Whereas Margaret Chase Smith was the first woman to break the sound barrier in a United States Air Force F–100 Super Sabre;

Whereas until 1981, Margaret Chase Smith held the all-time consecutive rollcall voting record of the Senate, totalling 2,941 votes over 13 years;

Whereas Margaret Chase Smith died at the age of 97, and, during her lifetime, was given 95 honorary degrees and was awarded the Presidential Medal of Freedom by President Bush in 1989;

Whereas Margaret Chase Smith was a teacher, a telephone operator, a newspaperwoman, an office manager, a secretary, a wife, a Congresswoman, and a Senator;

Whereas Margaret Chase Smith was a leader, a Nation's conscience, a visionary, and a woman of endless firsts;

Whereas the achievements of Margaret Chase Smith are an inspiration to millions of young girls and women, showing that through the use of one's talents, abilities, and energies that opportunities for women do exist and that the door to elected office can be open to all women; and

Whereas Margaret Chase Smith served with pride and humility, and her epitaph aptly reads, ''She served people.'': Now, therefore, be it

Resolved, That it is the sense of the Senate that if a new $1 coin is minted, the Secretary of the Treasury should be authorized to mint and circulate $1 coins bearing a likeness of Margaret Chase Smith.

SENATE RESOLUTION 151—AMENDING THE STANDING RULES OF THE SENATE

Mr. WARNER (for himself and Mr. FORD) submitted the following resolution; which was considered and agreed to.

S. RES. 151

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 1(n)(2) of rule XXV of the Standing Rules of the Senate is amended—

(1) in division (A), by striking ''and'' at the end;

(2) in division (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) develop, implement, and update as necessary a strategic planning process and a strategic plan for the functional and technical infrastructure support of the Senate and provide oversight over plans developed by Senate officers and others in accordance with the strategic planning process.''.

SEC. 2. COOPERATION BY OFFICES OF THE SENATE.

(a) SECRETARY OF THE SENATE.—The Secretary of the Senate shall assist the efforts of the Committee on Rules and Administration with respect to the development and implementation of a strategic plan for the functional and technical infrastructure support of the Senate. The Secretary shall prepare for approval by the Committee implementation plans, including proposed budgets, for the areas of infrastructure support for which the Secretary is responsible.

(b) SERGEANT AT ARMS.—The Sergeant at Arms shall assist the efforts of the Committee on Rules and Administration with respect to the development and implementation of a strategic plan for the functional and technical infrastructure support of the Senate. The Sergeant at Arms shall prepare for approval by the Committee implementation plans, including proposed budgets, for the areas of infrastructure support for which the Sergeant at Arms is responsible.

SENATE RESOLUTION 152—CONCERNING THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 152

Whereas, in the cases of *City of New York, et al.* v. *William Clinton, et al.*, Civ. No. 97–2393, *National Treasury Employees Union, et al.*, v. *United States, et al.*, Civ. No. 97–2399, and *Snake River Potato Growers, Inc., et al.*, v. *Robert Rubin*, Civ. No. 97–2463, all pending in the United States District Court for the District of Columbia, the constitutionality of the Line Veto Act, Pub. L. No. 104–130, 110 Stat. 1200 (1996), has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288*l*(a), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in the cases of *City of New York, et al.* v. *William Clinton, et al.; National Treasury Employees Union, et al.*, v. *United States, et al.;* and *Snake River Potato Growers, Inc., et al.*, v. *Robert Rubin*, to defend the constitutionality of the Line Item Veto Act.

SEC. 2. That while the Senate is adjourned the Senate Legal Counsel is authorized to appear as amicus curiae on behalf of the Senate in other cases in which the constitutionality of the Line Item Veto Act is placed in issue: *Provided*, That the Joint Leadership Group authorizes the Senate Legal Counsel to appear as amicus curiae on behalf of the Senate in such other cases.

SENATE RESOLUTION 153—CONCERNING THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 153

Whereas, in the case of *Sherry Yvonne Moore* v. *Capitol Guide Board*, Case No. 1:97CV00823, pending in the United States District Court for the District of Columbia, a subpoena has been issued for the production of documents of the Sergeant-at-Arms and Doorkeeper of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony or document production relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Sergeant-at-Arms and Doorkeeper of the Senate is authorized to produce documents relevant to the case of *Sherry Yvonne Moore* v. *Capitol Guide Board*, except where a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent the Sergeant-at-Arms and Doorkeeper of the Senate in connection with the production of documents in this case.

SENATE RESOLUTION 154—CONCERNING THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 154

Whereas, in the case of *Magee, et al.* v. *Hatch, et al.*, No. 97–CV02203, pending in the United States District Court for the District of Columbia, the plaintiffs have named Senator Orrin Hatch as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1) (1994), the Senate may direct its counsel to defend its Members in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Hatch in the case of *Magee, et al.* v. *Hatch, et al.*

AMENDMENTS SUBMITTED

THE ADAK ISLAND NAVAL BASE REUSE FACILITATION ACT OF 1997

MURKOWSKI AMENDMENT NO. 1618

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. MURKOWKI submitted an amendment intended to be proposed by him to the bill (S. 1488) to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes; as follows:

At the end of the bill insert the following new section:

''SEC. 5. GENERAL.—Notwithstanding any other provision of law, and for the purposes of the transfer of property authorized by this Act, personal property that remains on Adak Island is deemed related to the real property and shall be conveyed with real property. Any property, including, but not limited to, appurtenances and improvements, received pursuant to this Act shall, for purposes of Section 21(d) of the Alaska Native Claims Settlement Act, as amended, and Section 907(d) of the Alaska National Interest Lands and Conservation Act, as amended, be treated as not developed until such property is actually occupied, leased, or sold by TAC.''

Mr. MURKOWSKI. Mr. President, I rise today to offer an amendment to legislation pending before the Energy and Natural Resources Committee which will facilitate and promote the successful commercial reuse of the Naval Air Facility being closed on Adak Island, Alaska. The underlying legislation will ratify an agreement between the Aleut Corporation in Alaska, the Department of the Interior and the Department of the Navy concerning the reuse of lands occupied by the Navy.

When the Navy's lease expires in October of next year the lands and facilities are to be relinquished back to the Department of the Interior for inclusion into the Alaska Maritime National Wildlife Refuge. The legislation

introduced yesterday will facilitate the transfer of that land to Aleut Corporation in exchange for other ANCSA land selections made by the Aleuts. The amendment I offer today will ensure that the private property on Adak Island is transferred to the Aleuts as well as the land and interests in that land. Without this amendment, Mr. President, the facilities constructed on Adak Island by the Navy cannot be placed into productive civilian use. If we are to help the Aleut Corporation establish a community on Adak the ability to use these facilities is critical.

I look forward to moving the underlying legislation and this amendment through the Energy and Natural Resources Committee early next year.

THE RECIPROCAL TRADE AGREEMENT ACT OF 1997

FEINSTEIN AMENDMENTS NOS. 1619–1620

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill (S. 1269) to establish objectives for negotiating and procedures for implementing certain trade agreements; as follows:

AMENDMENT NO. 1619

On page 26, beginning on line 7, strike all through line 13, and insert the following:

''(B) if changes in existing laws or new statutory authority is required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority; and''.

AMENDMENT NO. 1620

On page 8, beginning on line 6, strike all through page 10, line 2, and insert the following:

(5) RECIPROCAL TRADE IN AGRICULTURE.—The principal trade negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk and value-added commodities by—

(A) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(i) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(ii) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;

(B) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort agriculture markets to the detriment of the United States;

(C) developing, strengthening, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, particularly with respect to import-sensitive products, including—

(i) unfair or trade-distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other mechanisms;

(ii) unjustified trade restrictions or commercial requirements affecting new technologies, including biotechnology;

(iii) unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements;

(iv) other unjustified technical barriers to trade; and

(v) restrictive rules in the administration of tariff rate quotas;

(D) improving import relief mechanisms to recognize the unique characteristics of perishable agriculture;

(E) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(F) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements; and

(G) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture.

On page 34, between lines 5 and 6, insert the following:

(e) NEGOTIATIONS REGARDING AGRICULTURE.—Before initiating negotiations the subject matter of which is directly related to the subject matter under section 2(b)(5)(A) with any country, the President shall assess whether United States tariffs on agriculture products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

STEVENS (AND BYRD) AMENDMENT NO. 1621

Mr. STEVENS (for himself and Mr. BYRD) proposed an amendment to the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1998, and for other purposes, namely:

DIVISION A—DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—FISCAL YEAR 1998 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR MANAGEMENT REFORM

For payment to the District of Columbia, as authorized by section 11103(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33, $8,000,000, to remain available until September 30, 1999, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority and shall be disbursed from such escrow account pursuant to the instructions of the Authority only for a program of management reform pursuant to sections 11101–11106 of the District of Columbia Management Reform Act of 1997, Public Law 105–33.

FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE NATION'S CAPITAL

For a Federal contribution to the District of Columbia toward the costs of the operation of the government of the District of Columbia, $190,000,000, which shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year: Provided, That these funds may be used by the District of Columbia for the costs of advances to the District government as authorized by section 11402 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33: Provided further, That not less than $30,000,000 shall be used by the District of Columbia to repay the accumulated general fund deficit.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For payment to the District of Columbia Corrections Trustee, $169,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE FOR CORRECTIONAL FACILITIES, CONSTRUCTION AND REPAIR

For payment to the District of Columbia Corrections Trustee for Correctional Facilities, $302,000,000, to remain available until expended, of which not less than $294,900,000 is available for transfer to the Federal Prison System, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

CRIMINAL JUSTICE SYSTEM

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding any other provision of law, $108,000,000 for payment to the Joint Committee

on Judicial Administration in the District of Columbia for operation of the District of Columbia Courts, including pension costs: Provided, That said sums shall be paid quarterly by the Treasury of the United States based on quarterly apportionments approved by the Office of Management and Budget, with payroll and financial services to be provided on a contractual basis with the General Services Administration, said services to include the preparation and submission of monthly financial reports to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives; of which not to exceed $750,000 shall be available for establishment and operations of the District of Columbia Truth in Sentencing Commission as authorized by section 11211 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

Notwithstanding any other provision of law, for an additional amount, $43,000,000, for payment to the Offender Supervision Trustee to be available only for obligation by the Offender Supervision Trustee; of which $26,855,000 shall be available for Parole, Adult Probation and Offender Supervision; of which $9,000,000 shall be available to the Public Defender Service; of which $6,345,000 shall be available to the Pretrial Services Agency; and of which not to exceed $800,000 shall be transferred to the United States Parole Commission to implement section 11231 of the National Capital Revitalization and Self-Government Improvement Act of 1997.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $105,177,000 (including $84,316,000 from local funds, $14,013,000 from Federal funds, and $6,848,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That $240,000 shall be available for citywide special elections: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $120,072,000 (including $40,377,000 from local funds, $42,065,000 from Federal funds, and $37,630,000 from other funds), together with $12,000,000 collected in the form of BID tax revenue collected by the District of Columbia on behalf of business improvement districts pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (Bill 12–230).

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $529,739,000 (including $510,326,000 from local funds, $13,519,000 from Federal funds, and $5,894,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That not less than $2,254,754 shall be available to support a pay raise for uniformed firefighters, when authorized by the District of Columbia Council and the District of Columbia Financial Responsibility and Management Assistance Authority, which funding will be made available as savings achieved through actions within the appropriated budget: Provided further, That, commencing on December 31, 1997, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $672,444,000 (including $530,197,000 from local funds, $112,806,000 from Federal funds, and $29,441,000 from other funds), to be allocated as follows: $564,129,000 (including $460,143,000 from local funds, $98,491,000 from Federal funds, and $5,495,000 from other funds), for the public schools of the District of Columbia; $8,900,000 from local funds for the District of Columbia Teachers' Retirement Fund; $3,376,000 from local funds (not including funds already made available for District of Columbia public schools) for public charter schools: Provided, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: Provided further, That $400,000 be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That if the entirety of this allocation has not been provided as payment to one or more public charter schools by May 1, 1998, and remains unallocated, the funds shall be deposited into a special revolving loan fund to be used solely to assist existing or new public charter schools in meeting startup and operating costs: Provided further, That the Emergency Transitional Education Board of Trustees of the District of Columbia shall report to Congress not later than 120 days after the date of enactment of this Act on the capital needs of each public charter school and whether the current per pupil funding formula should reflect these needs: Provided further, That until the Emergency Transitional Education Board of Trustees reports to Congress as provided in the preceding proviso, the Emergency Transitional Education Board of Trustees shall take appropriate steps to provide public charter schools with assistance to meet all capital expenses in a manner that is equitable with respect to assistance provided to other District of Columbia public schools: Provided further, That the Emergency Transitional Education Board of Trustees shall report to Congress not later than November 1, 1998, on the implementation of their policy to give preference to newly created District of Columbia public charter schools for surplus public school property; $74,087,000 (including $37,791,000 from local funds, $12,804,000 from Federal funds, and $23,492,000 from other funds) for the University of the District of Columbia; $22,036,000 (including $20,424,000 from local funds, $1,158,000 from Federal funds, and $454,000 from other funds) for the Public Library; $2,057,000 (including $1,704,000 from local funds and $353,000 from Federal funds) for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500

for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That not less than $1,200,000 shall be available for local school allotments in a restricted line item: Provided further, That not less than $4,500,000 shall be available to support kindergarten aides in a restricted line item: Provided further, That not less than $2,800,000 shall be available to support substitute teachers in a restricted line item: Provided further, That not less than $1,788,000 shall be available in a restricted line item for school counselors: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1998, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,718,939,000 (including $789,350,000 from local funds, $886,702,000 from Federal funds, and $42,887,000 from other funds): Provided, That $21,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $241,934,000 (including $227,983,000 from local funds, $3,350,000 from Federal funds, and $10,601,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: Provided further, That $3,000,000 shall be available for the lease financing, operation, and maintenance of two mechanical street sweepers, one flusher truck, five packer trucks, one front-end loader, and various public litter containers: Provided further, That $2,400,000 shall be available for recycling activities.

FINANCING AND OTHER USES

Financing and other uses, $454,773,000 (including for payment to the Washington Convention Center, $5,400,000 from local funds; reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); and sections 723 and 743(f) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $384,430,000 from local funds; for the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,020,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)(1); for payment of interest on short-term borrowing, $12,000,000 from local funds; for lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,923,000 from local funds; for human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, $6,000,000 from local funds); for equipment leases, the Mayor may finance $13,127,000 of equipment cost, plus cost of issuance not to exceed two percent of the par amount being financed on a lease purchase basis with a maturity not to exceed five years: Provided, That $75,000 is allocated to the Department of Corrections, $8,000,000 for the Public Schools, $50,000 for the Public Library, $260,000 for the Department of Human Services, $244,000 for the Department of Recreation and Parks, and $4,498,000 for the Department of Public Works.

ENTERPRISE FUNDS

ENTERPRISE AND OTHER USES

Enterprises and other uses, $15,725,000 (including for the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,467,000 (including $2,135,000 from local funds and $332,000 from other funds); for the Public Service Commission, $4,547,000 (including $4,250,000 from local funds, $117,000 from Federal funds, and $180,000 from other funds); for the Office of the People's Counsel, $2,428,000 from local funds; for the Office of Banking and Financial Institutions, $600,000 (including $100,000 from local funds and $500,000 from other funds); for the Department of Insurance and Securities Regulation, $5,683,000 from other funds).

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For the Water and Sewer Authority and the Washington Aqueduct, $297,310,000 from other funds (including $263,425,000 for the Water and Sewer Authority and $33,885,000 for the Washington Aqueduct) of which $41,423,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES CONTROL BOARD

For the Lottery and Charitable Games Control Board, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $213,500,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

STARPLEX FUND

For the Starplex Fund, $5,936,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $97,019,000, of which $44,335,000 shall be derived by transfer from the general fund and $52,684,000 shall be derived from other funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $16,762,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $3,332,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $46,400,000, of which $5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,220,000.

CAPITAL OUTLAY

For construction projects, $269,330,000 (including $31,100,000 for the highway trust fund, $105,485,000 from local funds, and $132,745,000 in Federal funds), to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence

of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1999, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1999: Provided further, That, upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

DEFICIT REDUCTION AND REVITALIZATION

For deficit reduction and revitalization, $201,090,000, to be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as ''Authority''), which shall allocate the funds to the Mayor, or such other District official as the Authority may deem appropriate, at such intervals and in accordance with such terms and conditions as the Authority considers appropriate: Provided, That these funds shall only be used for reduction of the accumulated general fund deficit; capital expenditures, including debt service; and management and productivity improvements, as allocated by the Authority: Provided further, That no funds may be obligated until a plan for their use is approved by the Authority: Provided further, That the Authority shall inform the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives of the approved plans.

GENERAL PROVISIONS

SECTION 101. 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. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. 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. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): Provided, That for the fiscal year ending September 30, 1998 the above shall apply except as modified by Public Law 104–8.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) Notwithstanding section 422(7) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for Level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1997 shall be deemed to be the rate of pay payable for that position for September 30, 1997.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), based upon a determination by the Director that, by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1998, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1998 revenue estimates as of the end of the first quarter of fiscal year 1998. These estimates shall be used in the budget request for the fiscal year ending September 30, 1999. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for

which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 126. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1998 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 127. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 128. The University of the District of Columbia shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(5) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 129. Funds authorized or appropriated to the government of the District of Columbia by this or any other act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 130. Section 456 of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, secs. 47–231 et seq.) is amended—

(1) in subsection (a)(1), by—

(A) striking ''1995'' and inserting ''1998'';

(B) striking ''Mayor'' and inserting ''District of Columbia Financial Responsibility and Management Assistance Authority''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(2) in subsection (b)(1), by—

(A) striking ''1997'' and inserting ''1999'';

(B) striking ''Mayor'' and inserting ''Authority''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(3) in subsection (b)(3), by striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(4) in subsection (c)(1), by—

(A) striking ''1995'' and inserting ''1997'';

(B) striking ''Mayor'' and inserting ''Chief Financial Officer''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(5) in subsection (c)(2)(A), by—

(A) striking ''1997'' and inserting ''1999'';

(B) striking ''Mayor'' and inserting ''Chief Financial Officer''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(6) in subsection (c)(2)(B), by striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight''; and

(7) in subsection (d)(1), by—

(A) striking ''1994'' and inserting ''1997'';

(B) striking ''Mayor'' and inserting ''Chief Financial Officer''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight''.

SEC. 131. For purposes of the appointment of the head of a department of the government of the District of Columbia under section 11105(a) of the National Capital Revitalization and Self-Improvement Act of 1997, Public Law 105–33, the following rules shall apply:

(1) After the Mayor notifies the Council under paragraph (1)(A)(ii) of such section of the nomination of an individual for appointment, the Council shall meet to determine whether to confirm or reject the nomination.

(2) If the Council fails to confirm or reject the nomination during the 7-day period described in paragraph (1)(A)(iii) of such section, the Council shall be deemed to have confirmed the nomination.

(3) For purposes of paragraph (1)(B) of such section, if the Council does not confirm a nomination (or is not deemed to have confirmed a nomination) during the 30-day period described in such paragraph, the Mayor shall be deemed to have failed to nominate an individual during such period to fill the vacancy in the position of the head of the department.

SEC. 132. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 133. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis as such benefits are extended to legally married couples.

SEC. 134. The Emergency Transitional Education Board of Trustees shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 135. (a) IN GENERAL.—The Emergency Transitional Education Board of Trustees of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1997, fiscal year 1998, and thereafter on a full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 136. (a) No later than October 1, 1997, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1998, whichever occurs later, and each succeeding year, the Emergency Transitional Education Board of Trustees and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Emergency Transitional Education Board of Trustees and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

SEC. 137. The Emergency Transitional Education Board of Trustees, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 138. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1998 under the caption ''Division of Expenses'' shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $4,811,906,000 (of which $118,269,000 shall be from intra-District funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; and

(ii) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and which are approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

(C) to the extent that the sum of the total revenues of the District of Columbia for such fiscal year exceed the total amount provided for in subsection (B) above, the Chief Financial Officer of the District of Columbia, with the approval of the District of Columbia Financial Responsibility and Management Assistance Authority, may credit up to ten percent (10%) of the amount of such difference, not to exceed $3,300,000, to a reserve fund which may be expended for operating purposes in future fiscal years, in accordance with the financial plans and budgets for such years.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as ''Authority'') shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1998.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor in consultation with the Chief Financial Officer of the District of Columbia during a control year, as defined in section 305(4) of Public Law 104–8, as amended, 109 Stat. 152, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

SEC. 139. The District of Columbia Emergency Transitional Education Board of Trustees shall, subject to the contract approval provisions of Public Law 104–8—

(A) develop a comprehensive plan to identify and accomplish energy conservation measures to achieve maximum cost-effective energy and water savings;

(B) enter into innovative financing and contractual mechanisms including, but not limited to, utility demand-side management programs and energy savings performance contracts and water conservation performance contracts: Provided, That the terms of such contracts do not exceed twenty-five years; and

(C) permit and encourage each department or agency and other instrumentality of the District of Columbia to participate in programs conducted by any gas, electric or water utility of the management of electricity or gas demand or for energy or water conservation.

SEC. 140. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 1998 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act, the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 141. In addition to amounts appropriated or otherwise made available, $5,000,000 is hereby appropriated to the National Park Service and shall be available only for the United States Park Police operations in the District of Columbia.

SEC. 142. The District government shall maintain for fiscal year 1998 the same funding levels as provided in fiscal year 1997 for homeless services in the District of Columbia.

SEC. 143. The District of Columbia Financial Responsibility and Management Assistance Authority and the Chief Executive Officer of the District of Columbia public schools are hereby directed to report to the Appropriations Committees of the Senate and the House of Representatives, the Senate Committee on Governmental Affairs and the Committee on Government Reform and Oversight of the House of Representatives not later than April 1, 1998, on all measures necessary and steps to be taken to ensure that the District's public schools open on time to begin the 1998–99 academic year.

SEC. 144. There are appropriated from applicable funds of the District of Columbia such sums as may be necessary to hire 12 additional inspectors for the Alcoholic Beverage Commission. Of the additional inspectors, 6 shall focus their responsibilities on the enforcement of laws relating to the sale of alcohol to minors.

SEC. 145. (a) Not later than 6 months after the date of enactment of this Act, the General Accounting Office shall conduct and submit to Congress a study of—

(1) the District of Columbia's alcoholic beverage tax structure and its relation to surrounding jurisdictions;

(2) the effects of the District of Columbia's lower excise taxes on alcoholic beverages on consumption of alcoholic beverages in the District of Columbia;

(3) ways in which the District of Columbia's tax structure can be revised to bring it into conformity with the higher levels in surrounding jurisdictions; and

(4) ways in which those increased revenues can be used to lower consumption and promote abstention from alcohol among young people.

(b) The study should consider whether—

(1) alcohol is being sold in proximity to schools and other areas where children are likely to be; and

(2) creation of alcohol free zones in areas frequented by children would be useful in deterring underage alcohol consumption.

SEC. 146. Of the amounts appropriated in this Act to the District of Columbia, funds may be expended to—

(1) hire 5 additional inspectors for the Department of Consumer and Regulatory Affairs to focus on monitoring day care centers and home day care operations; and

(2) hire 5 additional Department of Human Services monitors to focus on selecting quality day care centers eligible for public financing and monitoring safety standards at such centers.

(b) Nothing in this section shall be deemed to supersede or otherwise preempt the development and implementation of the management reform plan for the Department of Consumer and Regulatory Affairs and the Department of Human Services as authorized in the District of Columbia Management Reform Act of 1997 (Subtitle B, Title XI, Public Law 105–33).

SEC. 147. (a) SHORT TITLE; FINDINGS; PURPOSE.—

(1) SHORT TITLE.—This section may be cited as the ''Nation's Capital Bicentennial Designation Act''.

(2) FINDINGS.—The Senate finds that—

(A) the year 2000 will mark the 200th anniversary of Washington, D.C. as the Nation's permanent capital, commencing when the Government moved from Philadelphia to the Federal City;

(B) the framers of the Constitution provided for the establishment of a special district to serve as ''the seat of Government of the United States'';

(C) the site for the city was selected under the direction of President George Washington, with construction initiated in 1791;

(D) in submitting his design to Congress, Major Pierre Charles L'Enfant included numerous parks, fountains, and sweeping avenues designed to reflect a vision as grand and as ambitious as the American experience itself;

(E) the capital city was named after President George Washington to commemorate and celebrate his triumph in building the Nation;

(F) as the seat of Government of the United States for almost 200 years, the Nation's capital has been a center of American culture and a world symbol of freedom and democracy;

(G) from Washington, D.C., President Abraham Lincoln labored to preserve the Union and the Reverend Martin Luther King, Jr. led an historic march that energized the civil rights movement, reminding America of its promise of liberty and justice for all; and

(H) the Government of the United States must continually work to ensure that the Nation's capital is and remains the shining city on the hill.

(3) PURPOSE.—The purposes of this section are to—

(A) designate the year 2000 as the ''Year of National Bicentennial Celebration for Washington, D.C.—the Nation's Capital''; and

(B) establish the Presidents' Day holiday in the year 2000 as a day of national celebration for the 200th anniversary of Washington, D.C.

(b) NATION'S CAPITAL NATIONAL BICENTENNIAL.—

(1) IN GENERAL.—The year 2000 is designated as the ''Year of the National Bicentennial Celebration for Washington, D.C.—the Nation's Capital'' and the Presidents' Day Federal holiday in the year 2000 is designated as a day of national celebration for the 200th anniversary of Washington, D.C.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that all Federal entities should coordinate with and assist the Nation's Capital Bicentennial Celebration, a nonprofit 501(c)(3) entity, organized and operating pursuant to the laws of the District of Columbia, to ensure the success of events and projects undertaken to renew and celebrate the bicentennial of the establishment of Washington, D.C. as the Nation's capital.

SEC. 148. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C. Code), General Obligation Bond Act of 1998 (D.C. Bill 12–371), if enacted by the Council of the District of Columbia and approved by the District of Columbia Financial Responsibility and Management Assistance Authority, shall take effect on the date of such approval or the date of the enactment of this Act, whichever is later.

SEC. 149. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 150. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—(1) None of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace (except in the case of a police officer who resides in the District of Columbia).

(2) The Chief Financial Officer of the District of Columbia shall submit, by December 15, 1997, an inventory, as of September 30, 1997, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

(b) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 1998 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(c) RESTRICTING PROVIDERS FROM WHOM EMPLOYEES MAY RECEIVE DISABILITY COMPENSATION SERVICES.—

(1) IN GENERAL.—Section 2303(a) of the District of Columbia Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–624.3(a)) is amended by striking paragraph (3) and all that follows and inserting the following:

''(3) By or on the order of the District of Columbia government medical officers and hospitals, or by or on the order of a physician or managed care organization designated or approved by the Mayor.''.

(2) SERVICES FURNISHED.—Section 2303 of such Act (D.C. Code, sec. 1–624.3) is amended by adding at the end the following new subsection:

''(c)(1) An employee to whom services, appliances, or supplies are furnished pursuant to subsection (a) shall be provided with such services, appliances, and supplies (including reasonable transportation incident thereto) by a managed care organization or other health care provider designated by the Mayor, in accordance with such rules, regulations, and instructions as the Mayor considers appropriate.

''(2) Any expenses incurred as a result of furnishing services, appliances, or supplies which are authorized by the Mayor under paragraph (1) shall be paid from the Employees' Compensation Fund.

''(3) Any medical service provided pursuant to this subsection shall be subject to utilization review under section 2323.''.

(3) REPEAL PENALTY FOR DELAYED PAYMENT OF COMPENSATION.—Section 2324 of such Act (D.C. Code, sec. 1–624.24) is amended by striking subsection (c).

(4) DEFINITIONS.—Section 2301 of such Act (D.C. Code, sec. 1–624.1) is amended—

(A) in the first sentence of subsection (c), by inserting ''and as designated by the Mayor to provide services to injured employees'' after ''State law''; and

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

''(r)(1) The term 'managed care organization' means an organization of physicians and allied health professionals organized to and capable of providing systematic and comprehensive medical care and treatment of injured employees which is designated by the Mayor to provide such care and treatment under this title.

''(2) The term 'allied health professional' means a medical care provider (including a nurse, physical therapist, laboratory technician, X-ray technician, social worker, or other provider who provides such care within the scope of practice under applicable law) who is employed by or affiliated with a managed care organization.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services, supplies, or appliances furnished under title XXIII of the District of Columbia Merit Personnel Act of 1978 on or after the date of the enactment of this Act.

(d) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), as amended by section 140(b) of the District of Columbia Appropriations Act, 1997 (Public Law 104–194), is amended by adding at the end the following new section:

''SEC. 2408. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR 1998.

''(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1998, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

''(b) Prior to February 1, 1998, each personnel authority (other than a personnel authority of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997) shall make a final determination that a position within the personnel authority is to be abolished.

''(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

''(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to one round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

''(e) Each employee selected for separation pursuant to this section shall be given written

notice of at least 30 days before the effective date of his or her separation.

''(f) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except that—

''(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977 (D.C. Code, sec. 1–2543); and

''(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) were not properly applied.

''(g) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

''(1) four years for an employee who qualified for veterans preference under this Act, and

''(2) three years for an employee who qualified for residency preference under this Act.

''(h) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

''(i) With respect to agencies which are not subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1998 or upon the delivery of termination notices to individual employees.

''(j) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this Act shall not be deemed negotiable.

''(k) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1998, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section.

''(l) In the case of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the authority provided by this section shall be exercised to carry out the agency's management reform plan, and this section shall otherwise be implemented solely in a manner consistent with such plan.''.

SEC. 151. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) 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. 152. (a) CAP ON STIPENDS OF RETIREMENT BOARD MEMBERS.—Section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking the period at the end and inserting the following: '', and the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000.''.

(b) RESUMPTION OF CERTAIN TERMINATED ANNUITIES PAID TO CHILD SURVIVORS OF DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS.—

(1) IN GENERAL.—Subsection (k)(5) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–622(e)) is amended by adding at the end the following new subparagraph:

''(D) If the annuity of a child under subparagraph (A) or subparagraph (B) terminates because of marriage and such marriage ends, the annuity shall resume on the first day of the month in which it ends, but only if the individual is not otherwise ineligible for the annuity.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any termination of marriage taking effect on or after November 1, 1993, except that benefits shall be payable only with respect to amounts accruing for periods beginning on the first day of the month beginning after the later of such termination of marriage or such date of enactment.

SEC. 153. (a) IN GENERAL.—The Council of the District of Columbia shall annually review and adjust the amount of the monthly assistance payment that may be made under the Temporary Assistance for Needy Families Program so that such payment is comparable with the monthly assistance payments made under such program in Maryland and Virginia counties that are contiguous to the District of Columbia.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to fiscal year 1998 and each succeeding fiscal year.

SEC. 154. Effective as if included in the enactment of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, section 517 of such Act (110 Stat. 1321–248) is amended by striking ''October 1, 1991'' and inserting ''the date of the enactment of this Act''.

SEC. 155. REQUIRING PLACEMENT OF INSPECTOR GENERAL HOTLINE ON PERMIT AND LICENSE APPLICATION FORMS.—

(1) IN GENERAL.—Each District of Columbia permit or license application form printed after the expiration of the 30-day period which begins on the date of the enactment of this Act shall include the telephone number established by the Inspector General of the District of Columbia for reporting instances of waste, fraud, and abuse, together with a brief description of the uses and purposes of such number.

(2) QUARTERLY REPORTS ON USE OF NUMBER.—Not later than 10 days after the end of such calendar quarter of each fiscal year (beginning with fiscal year 1998), the Inspector General of the District of Columbia shall submit a report to Congress on the number and nature of the calls received through the telephone number described in paragraph (1) during the quarter and on the waste, fraud, and abuse detected as a result of such calls.

SEC. 156. (a) IN GENERAL.—Notwithstanding any other provision of law (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement) or collective bargaining agreement, any payment made by the District of Columbia after the expiration of the 45-day period which begins on the date of the enactment of this Act to any person shall be made by—

(1) direct deposit through electronic funds transfer to a checking, savings, or other account designated by the person; or

(2) a check delivered through the United States Postal Service to the person's place of residence or business.

(b) REGULATIONS.—The Chief Financial Officer of the District of Columbia is authorized to issue rules to carry out this section.

SEC. 157. (a) DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.—

(1) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by section 11601(b)(2) of the Balanced Budget Act of 1997, is amended by inserting after section 204 the following new section:

''SEC. 205. DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.

''(a) IN GENERAL.—

''(1) DEPOSIT INTO ESCROW ACCOUNT.—In the case of a fiscal year which is a control year, the Secretary of the Treasury shall deposit any Federal contribution to the District of Columbia for the year authorized under section 11601(c)(2) of the Balanced Budget Act of 1997 into an escrow account held by the Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year. In establishing such terms and conditions, the Authority shall give priority to using the Federal contribution for cash flow management and the payment of outstanding bills owed by the District government.

''(2) EXCEPTION FOR AMOUNTS WITHHELD FOR ADVANCES.—Paragraph (1) shall not apply with respect to any portion of the Federal contribution which is withheld by the Secretary of the Treasury in accordance with section 605(b)(2) of title VI of the District of Columbia Revenue Act of 1939 to reimburse the Secretary for advances made under title VI of such Act.

''(b) EXPENDITURE OF FUNDS FROM ACCOUNT IN ACCORDANCE WITH AUTHORITY INSTRUCTIONS.—Any funds allocated by the Authority to the Mayor from the escrow account described in paragraph (1) may be expended by the Mayor only in accordance with the terms and conditions established by the Authority at the time the funds are allocated.''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 204 the following new item:

''Sec. 205. Deposit of annual Federal contribution with Authority.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

(b) DISHONORED CHECK COLLECTION.—The Act entitled ''An Act to authorize the Commissioners of the District of Columbia to prescribe penalties for the handling and collection of dishonored checks'', approved September 28, 1965 (D.C. Code, sec. 1–357) is amended—

(1) in subsection (a) by inserting after the third sentence the following: ''The Mayor may enter into a contract to collect the amount of the original obligation.''; and

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

''(c) In a case in which the amount of a dishonored or unpaid check is collected as a result of a contract, the Mayor shall collect any costs or expenses incurred to collect such amount from such person who gives or causes to be given, in payment of any obligation or liability due the government of the District of Columbia, a check which is subsequently dishonored or not duly paid. In a case in which the amount of a dishonored or unpaid check is collected as a result of an action at law or in equity, such costs and expenses shall include litigation expenses and attorney's fees.

''(d) An action at law or in equity for the recovery of any amount owed to the District as a result of subsection (c), including any litigation expenses or attorney's fees may be initiated—

''(1) by the Corporation Counsel of the District of Columbia; or

''(2) in a case in which the Corporation Counsel does not exercise his or her authority, by the person who provides collection services as a result of a contract with the Mayor.

''(e) Nothing in this section may be construed to eliminate the Mayor's exclusive authority with respect to any obligations and liabilities of the District of Columbia.''.

(c) CONFORMING REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Section 4(28A) of the District of Columbia Income and Franchise Act of 1947 (D.C. Code, sec. 47–1801.4(28A)) is amended to read as follows:

''(28A) The term 'Internal Revenue Code of 1986' means the Internal Revenue Code of 1986 (100 Stat. 2085; 26 U.S.C. 1 et seq.), as amended through August 20, 1996. The provisions of the Internal Revenue Code of 1986 shall be effective on the same dates that they are effective for Federal tax purposes.''.

(d) STANDARD FOR REVIEW OF RECOMMENDATIONS OF BUSINESS REGULATORY REFORM COMMISSION IN REVIEW OF REGULATIONS BY AUTHORITY.—Section 11701(a)(1) of the Balanced Budget Act of 1997 is amended by striking the second sentence and inserting the following: ''In carrying out such review, the Authority shall include an explicit reference to each recommendation made by the Business Regulatory Reform Commission pursuant to the Business Regulatory Reform Commission Act of 1994 (D.C. Code, sec. 2–4101 et seq.), together with specific findings and conclusions with respect to each such recommendation.''.

(e) TECHNICAL CORRECTIONS RELATING TO BALANCED BUDGET ACT OF 1997.—(1) Effective as if included in the enactment of the Balanced Budget Act of 1997, section 453(c) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–304.1(c)), as amended by section 11243(d) of the Balanced Budget Act of 1997, is amended to read as follows:

''(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the Council, the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, or the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996.''.

(2) Section 11201(g)(2)(A)(ii) of the Balanced Budget Act of 1997 is amended—

(A) in the heading, by striking ''DEPARTMENT OF PARKS AND RECREATION'' and inserting ''PARKS AUTHORITY''; and

(B) by striking ''Department of Parks and Recreation'' and inserting ''Parks Authority''.

(f) REPEAL OF PRIOR NOTICE REQUIREMENT FOR FEDERAL ACTIVITIES AFFECTING REAL PROPERTY IN DISTRICT OF COLUMBIA.—Effective October 1, 1997, the Balanced Budget Act of 1997 (Public Law 105–33) is amended by striking section 11715.

SEC. 158. Notwithstanding any provision of any Federally-granted charter or any other provision of law, the real property of the National Education Association located in the District of Columbia shall be subject to taxation by the District of Columbia in the same manner as any similar organization.

SEC. 159. (a) Section 501(c)(4) of the District of Columbia Police and Firemen's Act of 1958 (D.C. Code, sec. 4–416(c)(4)) is amended by striking ''locality pay'' and inserting ''longevity pay''.

(b) The amendment made by subsection (a) is effective on the date of enactment of Public Law 105–61.

SEC. 160. In addition to amounts appropriated or otherwise made available, $3,000,000 is appropriated for the purpose of funding a Medicare Coordinated Care Demonstration Project in the District of Columbia as specified in section 4016(b)(2)(C) of the Balanced Budget Act of 1997.

SEC. 161. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as ''Authority''). Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 162. Effective as if included in the enactment of subtitle J of title IV of the Balanced Budget Act of 1997 (Public Law 105–33) the Social Security Act is amended as follows:

(1) The fourth sentence of section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by inserting ''for the State for a fiscal year, and that do not exceed the amount of the State's allotment under section 2104 (not taking into account reductions under section 2104(d)(2)) for the fiscal year reduced by the amount of any payments made under section 2105 to the State from such allotment for such fiscal year,'' after ''subsection (u)(3)''.

(2) Section 1905(u) of such Act (42 U.S.C. 1396d(u)) is amended—

(A) in paragraph (1)(B), by striking ''paragraph (2)'' and inserting ''the fourth sentence of subsection (b)'';

(B) in paragraph (2)(A), by striking ''(C), but not in excess'' and all that follows up to the period at the end and inserting ''(B)'';

(C) by striking subparagraphs (B) and (C) of paragraph (2) and inserting the following:

''(B) For purposes of this paragraph, the term 'optional targeted low-income child' means a targeted low-income child as defined in section 2110(b)(1) (determined without regard to that portion of subparagraph (C) of such section concerning eligibility for medical assistance under this title) who would not qualify for medical assistance under the State plan under this title as in effect on March 31, 1997 (but taking into account the expansion of age of eligibility effected through the operation of section 1902(l)(1)(D)).'';

(D) in paragraph (3)—

(i) by striking ''described in this subparagraph'' and inserting ''described in this paragraph''; and

(ii) by striking ''April 15, 1997'' and inserting ''March 31, 1997''; and

(E) by adding at the end the following:

''(4) The limitations on payment under subsections (f) and (g) of section 1108 shall not apply to Federal payments made under section 1903(a)(1) based on an enhanced FMAP described in section 2105(b).''.

(3) Section 2110(b) of such Act (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(B)(ii) to read as follows:

''(ii) is a child—

''(I) whose family income (as determined under the State child health plan)) exceeds the medicaid applicable income level (as defined in paragraph (4)), but does not exceed 50 percentage points above the medicaid applicable income level;

''(II) whose family income (as so determined) does not exceed the medicaid applicable income level (as defined in paragraph (4) but determined as if 'June 1, 1997' were substituted for 'March 31, 1997'); or

''(III) who resides in a State that does not have a medicaid applicable income level (as defined in paragraph (4)); and''; and

(B) in paragraph (4)—

(i) by striking ''June 1, 1997'' and inserting ''March 31, 1997''; and

(ii) by inserting ''or 1905(n)(2) (as selected by a State)'' after ''1902(l)(2)''.

(4) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by striking ''or 1905(p)(1)'' and inserting ''1905(p)(1), or 1905(u)''.

(5) Section 2105(c)(2)(A) of such Act (42 U.S.C. 1397ee(c)(2)(A)) is amended to read as follows—

''(A) IN GENERAL.—Except as provided in this paragraph, payment shall not be made under subsection (a) for expenditures for items described in subsection (a) (other than paragraph (1)) for a fiscal year to the extent the total of such expenditures (for which payment is made under such subsection) exceeds 10 percent of the sum of—

''(i) the total of such expenditures for such fiscal year, and

''(ii) the total expenditures for medical assistance by the State under title XIX for which Federal payments made under section 1903(a)(1) are based on an enhanced FMAP described in section 2105(b) for such fiscal year.''.

(6) Section 2104 of such Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (d)(1), by striking ''for calendar quarters'' and inserting ''for expenditures claimed by the State''; and

(B) by striking subsection (d)(2) and inserting the following:

''(2) the amount (if any) of the payments made to that State under section 1903(a) for expenditures claimed by the State during such fiscal year that is attributable to the provision of medical assistance to a child for which payment is made under section 1903(a)(1) on the basis of an enhanced FMAP under the fourth sentence of section 1905(b).''.

(7) Section 2105 of such Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

''(f) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing in this section or subsections (e) and (f) of section 2104 shall be construed as preventing a State from claiming as expenditures in the quarter expenditures that were incurred in a previous quarter.''.

(8) Section 2104 of such Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a)(1), by striking ''$4,275,000,000'' and inserting ''$4,295,000,000'';

(B) in subsection (b)(4), by striking ''Subject to paragraph (5), in'' and inserting ''In''; and

(C) in subsection (c)—

(i) in paragraph (2)(C), by inserting ''the'' before ''Virgin Islands'', and

(ii) in paragraphs (3)(C) and (3)(E), by striking ''the'' and inserting ''The''.

(9) Section 2110(c)(3) of such Act (42 U.S.C. 1397jj(c)(3)) is amended by striking ''2191'' and inserting ''2791''.

SEC. 163. The Administrator of General Services is authorized to amend the use restriction contained in the Administrator's 1956 conveyance of land to the City of Bonham, Texas, mandated by Public Law 586 of the 84th Congress. The amended use restriction will limit the property to state veterans, nursing homes and public safety communications purposes only.

SEC. 164. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 165. There are appropriated from such funds of the District of Columbia, as are deemed appropriate by the District of Columbia Financial Responsibility and Management Assistance Authority, $2,600,000, for the Fire and Emergency Medical Services Department for a 5 percent pay increase for uniformed fire fighters.

SEC. 166. During fiscal year 1998, from funds available to the Department of Defense, up to $800,000 is available to the Department of Defense to compensate persons who have suffered documented commercial loss of cranberry crops in 1997 in the Mashpee or Falmouth bogs, located on the Quashnet and Coonamessett Rivers, respectively, as a result of the presence of ethylene dibromide (EDB) in or on cranberries from either of the plumes of EDB-contaminated groundwater known as ''FS 28'' and ''FS–1'' adjacent to the Massachusetts Military Reservation, Cape Cod, Massachusetts.

TITLE II—CLARIFICATION OF ELIGIBILITY FOR RELIEF FROM REMOVAL AND DEPORTATION FOR CERTAIN ALIENS

SEC. 201. SHORT TITLE.—This title may be cited as the ''Nicaraguan Adjustment and Central American Relief Act''.

SEC. 202. ADJUSTMENT OF STATUS OF CERTAIN NICARAGUANS AND CUBANS. (a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2000; and

(B) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The benefits provided by subsection (a) shall apply to any alien who is a national of Nicaragua or Cuba and who has been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under such subsection is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

(2) PROOF OF COMMENCEMENT OF CONTINUOUS PRESENCE.—For purposes of establishing that the period of continuous physical presence referred to in paragraph (1) commenced not later than December 1, 1995, an alien—

(A) shall demonstrate that the alien, prior to December 1, 1995—

(i) applied to the Attorney General for asylum;

(ii) was issued an order to show cause under section 242 or 242B of the Immigration and Nationality Act (as in effect prior to April 1, 1997);

(iii) was placed in exclusion proceedings under section 236 of such Act (as so in effect);

(iv) applied for adjustment of status under section 245 of such Act;

(v) applied to the Attorney General for employment authorization;

(vi) performed service, or engaged in a trade or business, within the United States which is evidenced by records maintained by the Commissioner of Social Security; or

(vii) applied for any other benefit under the Immigration and Nationality Act by means of an application establishing the alien's presence in the United States prior to December 1, 1995; or

(B) shall make such other demonstration of physical presence as the Attorney General may provide for by regulation.

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien subject to a final order of deportation or removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Nicaragua or Cuba;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that they have been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under this subsection is filed;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed;

(D) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply; and

(E) applies for such adjustment before April 1, 2000.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien—

(A) shall demonstrate that such period commenced not later than December 1, 1995, in a manner consistent with subsection (b)(2); and

(B) shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period in the aggregate not exceeding 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

SEC. 203. MODIFICATION OF CERTAIN TRANSITION RULES. (a) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—

(1) IN GENERAL.—Section 309(c)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–627) is amended to read as follows:

''(5) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act (relating to continuous residence or physical presence) shall apply to orders to show cause (including those referred to in section 242B(a)(1) of the Immigration and Nationality Act, as in effect before the title III–A effective date), issued before, on, or after the date of the enactment of this Act.

''(B) EXCEPTION FOR CERTAIN ORDERS.—In any case in which the Attorney General elects to terminate and reinitiate proceedings in accordance with paragraph (3) of this subsection, paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act shall not apply to an order to show cause issued before April 1, 1997.

''(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION.—

''(i) IN GENERAL.—For purposes of calculating the period of continuous physical presence under section 244(a) of the Immigration and Nationality Act (as in effect before the title III–A effective date) or section 240A of such Act (as in effect after the title III–A effective date), subparagraph (A) and paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act shall not apply in the case of an alien, regardless of whether the alien is in exclusion or deportation proceedings before the title III–A effective date, who has not been convicted at any time of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act) and—

''(I) was not apprehended after December 19, 1990, at the time of entry, and is—

''(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the settlement agreement in American Baptist Churches, et al. v. Thornburgh (ABC), 760 F. Supp. 796 (N.D. Cal. 1991) on or before October 31, 1991, or applied for temporary protected status on or before October 31, 1991; or

''(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to such settlement agreement on or before December 31, 1991;

''(II) is a Guatemalan or Salvadoran national who filed an application for asylum with the

Immigration and Naturalization Service on or before April 1, 1990;

''(III) is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act) of an individual, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such individual, if the individual has been determined to be described in this clause (excluding this subclause and subclause (IV));

''(IV) is the unmarried son or daughter of an alien parent, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such alien parent, if—

''(aa) the alien parent has been determined to be described in this clause (excluding this subclause and subclause (III)); and

''(bb) in the case of a son or daughter who is 21 years of age or older at the time such decision is rendered, the son or daughter entered the United States on or before October 1, 1990; or

''(V) is an alien who entered the United States on or before December 31, 1990, who filed an application for asylum on or before December 31, 1991, and who, at the time of filing such application, was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia.

''(ii) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether an alien satisfies the requirements of this clause (i) is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of section 242(a)(2)(B) of the Immigration and Nationality Act (as in effect after the title III–A effective date) to other eligibility determinations pertaining to discretionary relief under this Act.''.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–625) is amended by striking the subsection designation and the subsection heading and inserting the following:

''(c) TRANSITION FOR CERTAIN ALIENS.—''.

(b) SPECIAL RULE FOR CANCELLATION OF REMOVAL.—Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–625) is amended by adding at the end the following:

''(f) SPECIAL RULE FOR CANCELLATION OF REMOVAL.—

''(1) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (as in effect after the title III–A effective date), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (but including section 242(a)(2)(B) of such Act), the Attorney General may, under section 240A of such Act, cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States, if the alien applies for such relief, the alien is described in subsection (c)(5)(C)(i) of this section, and—

''(A) the alien—

''(i) is not inadmissible or deportable under paragraph (2) or (3) of section 212(a) or paragraph (2), (3), or (4) of section 237(a) of the Immigration and Nationality Act and is not an alien described in section 241(b)(3)(B)(i) of such Act;

''(ii) has been physically present in the United States for a continuous period of not less than 7 years immediately preceding the date of such application;

''(iii) has been a person of good moral character during such period; and

''(iv) establishes that removal would result in extreme hardship to the alien or to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

''(B) the alien—

''(i) is inadmissible or deportable under section 212(a)(2), 237(a)(2) (other than 237(a)(2)(A)(iii)), or 237(a)(3) of the Immigration and Nationality Act;

''(ii) is not an alien described in section 241(b)(3)(B)(i) or 101(a)(43) of such Act;

''(iii) has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for removal;

''(iv) has been a person of good moral character during such period; and

''(v) establishes that removal would result in exceptional and extremely unusual hardship to the alien or to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—Section 240A(d)(2) shall apply for purposes of calculating any period of continuous physical presence under this subsection, except that the reference to subsection (b)(1) in such section shall be considered to be a reference to paragraph (1) of this section.''.

(c) MOTIONS TO REOPEN DEPORTATION OR REMOVAL PROCEEDINGS.—Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–625), as amended by subsection (b), is further amended by adding at the end the following:

''(g) MOTIONS TO REOPEN DEPORTATION OR REMOVAL PROCEEDINGS.—Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act)), any alien who has become eligible for cancellation of removal or suspension of deportation as a result of the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act may file one motion to reopen removal or deportation proceedings to apply for cancellation of removal or suspension of deportation. The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of the Nicaraguan Adjustment and Central American Relief Act and shall extend for a period not to exceed 240 days.''.

(d) TEMPORARY REDUCTION IN DIVERSITY VISAS.—

(1) Beginning in fiscal year 1999, subject to paragraph (2), the number of visas available for a fiscal year under section 201(e) of the Immigration and Nationality Act shall be reduced by 5,000 from the number of visas available under that section for such fiscal year.

(2) In no case shall the reduction under paragraph (1) for a fiscal year exceed the amount by which—

(A) one-half of the total number of individuals described in subclauses (I), (II), (III), and (IV) of section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 who have adjusted their status to that of aliens lawfully admitted for permanent residence under the Nicaraguan Adjustment and Central American Relief Act as of the end of the previous fiscal year exceeds—

(B) the total of the reductions in available visas under this subsection for all previous fiscal years.

(e) TEMPORARY REDUCTION IN OTHER WORKERS' VISAS.—

(1) Beginning in the fiscal year following the fiscal year in which a visa has been made available under section 203(b)(3)(A)(iii) of the Immigration and Nationality Act for all aliens who are the beneficiary of a petition approved under section 204 of such Act as of the date of the enactment of this Act for classification under section 203(b)(3)(A)(iii) of such Act, subject to paragraph (2), visas available under section 203(b)(3)(A)(iii) of that Act shall be reduced by 5,000 from the number of visas otherwise available under that section for such fiscal year.

(2) In no case shall the reduction under paragraph (1) for a fiscal year exceed the amount by which—

(A) the number computed under subsection (d)(2)(A), exceeds—

(B) the total of the reductions in available visas under this subsection for all previous fiscal years.

(f) EFFECTIVE DATE.—The amendments made by this section to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 shall take effect as if included in the enactment of such Act.

SEC. 204. LIMITATION ON CANCELLATIONS OF REMOVAL AND SUSPENSIONS OF DEPORTATION. (a) ANNUAL LIMITATION.—Section 240A(e) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)) is amended to read as follows:

''(e) ANNUAL LIMITATION.—

''(1) AGGREGATE LIMITATION.—Subject to paragraphs (2) and (3), the Attorney General may not cancel the removal and adjust the status under this section, nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), of a total of more than 4,000 aliens in any fiscal year. The previous sentence shall apply regardless of when an alien applied for such cancellation and adjustment, or such suspension and adjustment, and whether such an alien had previously applied for suspension of deportation under such section 244(a). The numerical limitation under this paragraph shall apply to the aggregate number of decisions in any fiscal year to cancel the removal (and adjust the status) of an alien, or suspend the deportation (and adjust the status) of an alien, under this section or such section 244(a).

''(2) FISCAL YEAR 1997.—For fiscal year 1997, paragraph (1) shall only apply to decisions to cancel the removal of an alien, or suspend the deportation of an alien, made after April 1, 1997. Notwithstanding any other provision of law, the Attorney General may cancel the removal or suspend the deportation, in addition to the normal allotment for fiscal year 1998, of a number of aliens equal to 4,000 less the number of such cancellations of removal and suspensions of deportation granted in fiscal year 1997 after April 1, 1997.

''(3) EXCEPTION FOR CERTAIN ALIENS.—Paragraph (1) shall not apply to the following:

''(A) Aliens described in section 309(c)(5)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by the Nicaraguan Adjustment and Central American Relief Act).

''(B) Aliens in deportation proceedings prior to April 1, 1997, who applied for suspension of deportation under section 244(a)(3) (as in effect before the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).''.

(b) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended in each of paragraphs (1) and (2) by striking ''may cancel removal in the case of an alien'' and inserting ''may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien''.

(c) RECORDATION OF DATE.—Section 240A(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(3)) is amended to read as follows:

''(3) RECORDATION OF DATE.—With respect to aliens who the Attorney General adjusts to the status of an alien lawfully admitted for permanent residence under paragraph (1) or (2), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of the Attorney General's cancellation of removal under paragraph (1) or (2).''.

(d) APRIL 1 EFFECTIVE DATE FOR AGGREGATE LIMITATION.—Section 309(c)(7) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–627) is amended to read as follows:

''(7) LIMITATION ON SUSPENSION OF DEPORTATION.—After April 1, 1997, the Attorney General may not suspend the deportation and adjust the status under section 244 of the Immigration and Nationality Act (as in effect before the title III–A effective date) of any alien in any fiscal year, except in accordance with section 240A(e) of such Act. The previous sentence shall apply regardless of when an alien applied for such suspension and adjustment.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–546).

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

DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

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 for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $76,199,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $7,860,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1997: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $20,000,000 to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this heading shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

In addition, for necessary expenses, as determined by the Attorney General, $32,700,000, to remain available until expended, to reimburse departments and agencies of the Federal Government for any costs incurred in connection with—

(1) counterterrorism technology research and development;

(2) providing training and related equipment for chemical, biological, nuclear, and cyber attack prevention and response capabilities to State and local law enforcement agencies; and

(3) providing bomb training and response capabilities to State and local law enforcement agencies.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $70,007,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

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

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,211,000; including not to exceed $10,000 to meet 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: Provided, That up to one-tenth of one percent of the Department of Justice's allocation from the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other review of such grant programs, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

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

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $444,200,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through ''Salaries and Expenses'', General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That, of the funds appropriated under this heading, such funds as may be necessary for the orderly termination of the Ounce of Prevention Council.

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

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

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

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $75,495,000: Provided, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $5,495,000: Provided further, That any fees received in excess of $70,000,000 in fiscal year 1998, shall remain available until expended, but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental and cooperative agreements, $972,460,000; of which not to exceed $2,500,000 shall be available until September 30, 1999, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $1,200,000 for the design, development, and implementation of an information systems strategy for D.C. Superior Court shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That not to exceed $2,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes, including bank robbery and carjacking, and drug trafficking: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,948 positions and 9,113 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d) and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $62,828,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $114,248,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds

due depositors: Provided further, That, notwithstanding any other provision of law, $114,248,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the Fund estimated at $0: Provided further, That any such fees collected in excess of $114,248,000 in fiscal year 1998 shall remain available until expended but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

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

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $467,833,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and not to exceed $2,200,000 to support the Justice Prisoner and Alien Transportation System, shall remain available until expended: Provided, That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

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

FEDERAL PRISONER DETENTION

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

FEES AND EXPENSES OF WITNESSES

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

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000 and, in addition, up to $2,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

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

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

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

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

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

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $294,967,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,094 passenger motor vehicles, of which 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,750,921,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 1999; of which not less than $221,050,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) as amended (''the 1994 Act''), and the Antiterrorism and Effective Death Penalty Act of 1996 (''the Antiterrorism Act''), $179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; $57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act; $4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; $9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and $5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $44,506,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $723,841,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 1999; and of which not to exceed $50,000 shall be

available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $403,537,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $8,000,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,904, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility; $1,658,886,000 of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 1998: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis: Provided further, That not to exceed 43 permanent positions and 43 full-time equivalent workyears and $4,167,000 shall be expended for the Office of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That beginning seven calendar days after the enactment of this Act and for each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used by the INS to accept, for the purpose of conducting criminal background checks on applications for any benefit under the Immigration and Nationality Act, any FD–258 fingerprint card which has been prepared by or received from any individual or entity other than an office of the Immigration and Naturalization Service with the following exceptions—(1) State and local law enforcement agencies and (2) United States consular offices at United States embassies and consulates abroad under the jurisdiction of the Department of State or United States military offices under the jurisdiction of the Department of Defense authorized to perform fingerprinting services to prepare FD–258 fingerprint cards for applicants residing abroad applying for immigration benefits: Provided further, That agencies may collect and retain a fee for fingerprinting services: Provided further, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears after July 1, 1998: Provided further, That notwithstanding any other provision of law, during fiscal year 1998, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or Department Leadership on any matter.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $607,206,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $75,959,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 834, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,823,642,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 for the activation of new facilities shall remain available until September 30, 1999: Provided further, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $26,135,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $255,133,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this Act or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further, That, of the total amount appropriated, not to exceed $2,300,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

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

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,266,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures

which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, and sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, $173,600,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524); of which $25,000,000 is for the National Sexual Offender Registry.

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, $512,500,000, 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 $46,500,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, 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.

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''); $2,383,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a ''unit of local government'' as well as a ''State'', for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That $20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; 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 $34,500,000 shall be available as authorized by section 1001 of title I of the 1968 Act, to carry out the provisions of subpart 1, part E of title I of the 1968 Act notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $720,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $25,000,000 shall be available for the Cooperative Agreement Program: Provided further, That funds made available for Violent Offender Incarceration and Truth in Sentencing Incentive Grants to the State of California may, at the discretion of the recipient, be used for payments for the incarceration of criminal aliens; of which $7,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $172,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $12,000,000 which shall be used exclusively for the purpose of strengthening civil and criminal legal assistance programs for victims of domestic violence: Provided further, That, of these funds, $7,000,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women and $853,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court; of which $59,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $2,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $2,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $12,500,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $750,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $30,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,500,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act: Provided further, That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

JUVENILE BLOCK GRANTS

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Juvenile Justice Block Grant Program, $230,000,000, 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.

WEED AND SEED PROGRAM FUND

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

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.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act'') (including administrative costs), $1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That not to exceed 186 permanent positions and 186 full-time equivalent workyears and $20,553,000 shall be expended for program management and administration: Provided further, That of the unobligated balances available in this program, $103,000,000 shall be used for innovative community policing programs, of which $38,000,000 shall be used for a law enforcement technology program of which $10,000,000 is for the North Carolina Criminal Justice Information Network, $1,000,000 shall be used for police recruitment programs authorized under subtitle H of title III of the 1994 Act, $34,000,000 shall be used for policing initiatives to combat methamphetamine production and trafficking, $12,500,000 shall be used for the Community Policing to Combat Domestic Violence Program pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, $17,500,000 shall be used for other innovative community policing programs, such as programs to improve the safety of elementary and secondary school children,

reduce crime on or near elementary and secondary school grounds and policing initiatives in drug ''hot spots''.

In addition, for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $201,672,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which (1) notwithstanding any other provision of law, $5,922,000 shall be available for expenses authorized by part A of title II of the Act, $96,500,000 shall be available for expenses authorized by part B of title II of the Act, and $45,250,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than one year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by section 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $12,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs: Provided further, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

In addition, for grants, contracts, cooperative agreements, and other assistance, $5,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, $25,000,000 shall be available for grants of $360,000 to each state and $6,640,000 shall be available for discretionary grants to states, for programs and activities to enforce state laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training.

In addition, for grants, contracts, cooperative agreement, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by sections 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

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

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

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

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

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

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

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

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

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

SEC. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking ''1996'' and inserting ''1997 and thereafter''.

SEC. 109. (a) Section 1402(d) of the Victims of Crime Act of 1984, (42 U.S.C. 10601(d)), is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2), by striking ''the next'' and inserting ''The first''.

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

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

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

(b) in section 286(r) by—

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

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

(3) striking subsection (4), and replacing it with, ''The amounts required to be refunded from the Fund for fiscal year 1998 and thereafter shall be refunded in accordance with estimates made in the budget request of the President for those fiscal years. Any proposed changes in the amounts designated in such budget requests shall only be made after Congressional reprogramming notification in accordance with the reprogramming guidelines for the applicable fiscal year.''; and

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

SEC. 111. (a) LIMITATION ON ELIGIBILITY UNDER SECTION 245(i).—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking ''(i)(1)'' through ''The Attorney General'' and inserting the following:

''(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States—

''(A) who—

''(i) entered the United States without inspection; or

''(ii) is within one of the classes enumerated in subsection (c) of this section; and

''(B) who is the beneficiary of a petition for classification under section 204 that was filed with the Attorney General or the Department of Labor for labor certification pursuant to section 212(a)(5)(i) on or before the date of the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General''.

(b) REPEAL OF SUNSET FOR SECTION 245(i).—Section 506(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 103–317; 108 Stat. 1766) is amended to read as follows:

''(c) The amendment made by subsection (a) shall take effect on October 1, 1994, and shall cease to have effect on October 1, 1997. The amendment made by subsection (b) shall take effect on October 1, 1994.''.

(c) INAPPLICABILITY OF SECTION 245(c)(2) FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)(2), by inserting ''subject to subsection (k),'' after ''(2)''; and

(2) by adding at the end the following:

''(k) An alien is eligible to receive an immigrant visa under paragraph (1), (2), or (3) of section 203(b) or, in the case of an alien who is an immigrant described in section 101(a)(27)(C), under section 203(b)(4) pursuant to subsection (a) and notwithstanding subsection (c)(2), if—

''(1) the alien, on the date of filing an application for adjustment of status, is present in the United States pursuant to a lawful admission;

''(2) the alien, subsequent to such lawful admission has not, for an aggregate period exceeding 180 days—

''(A) failed to maintain, continuously, a lawful status;

''(B) engaged in unauthorized employment; or

''(C) otherwise violated the terms and conditions of the alien's admission.''.

SEC. 112. (a) SHORT TITLE.—This section may be cited as the ''Philippine Army, Scouts, and

Guerilla Veterans of World War II Naturalization Act of 1997''.

(b) IN GENERAL.—Section 405 of the Immigration and 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

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

''(J) an immigrant who is present in the United States—

''(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;

''(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

''(iii) in whose case the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;

Except that—

''(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction; and

''(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or''.

SEC. 114. Not to exceed $200,000 of funds appropriated under section 1304 of title 31, United States Code, shall be available for payment pursuant to the Hearing Officer's Report in United States Court of Federal Claims No. 93–645X (June 3, 1996) (see 35 Fed. Cl. 99 (March 7, 1996)).

SEC. 115. (a) STANDARDS FOR SEX OFFENDER REGISTRATION PROGRAMS.—

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

(A) in paragraph (1)—

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

(ii) in subparagraph (B), by striking ''with a designated State law enforcement agency'';

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

''(2) DETERMINATION OF SEXUALLY VIOLENT PREDATOR STATUS; WAIVER; ALTERNATIVE MEASURES.—

''(A) IN GENERAL.—A determination of whether a person is a sexually violent predator for purposes of this section shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies.

''(B) WAIVER.—The Attorney General may waive the requirements of subparagraph (A) if the Attorney General determines that the State has established alternative procedures or legal standards for designating a person as a sexually violent predator.

''(C) ALTERNATIVE MEASURES.—The Attorney General may also approve alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth in this section regarding sexually violent predators.'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''that consists of—'' and inserting ''in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:'';

(ii) in subparagraph (B), by striking ''that consists of'' and inserting ''in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by''; and

(D) by adding at the end the following:

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

''(G) The term 'student' means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.''.

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

(A) in paragraph (1)—

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

''(1) DUTIES OF RESPONSIBLE OFFICIALS.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''or in the case of probation, the court'' and inserting ''the court, or another responsible officer or official'';

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

(III) in clause (iii), by striking ''shall register'' and all that follows before the semicolon and inserting ''shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence, and inform the person that the person must also register in a State where the person is employed, carries on a vocation, or is a student''; and

(iii) in subparagraph (B), by striking ''or the court'' and inserting '', the court, or another responsible officer or official'';

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

''(2) TRANSFER OF INFORMATION TO STATE AND FBI; PARTICIPATION IN NATIONAL SEX OFFENDER REGISTRY.—

''(A) STATE REPORTING.—State procedures shall ensure that the registration information is promptly made available to a law enforcement agency having jurisdiction where the person expects to reside and entered into the appropriate State records or data system. State procedures shall also ensure that conviction data and fingerprints for persons required to register are promptly transmitted to the Federal Bureau of Investigation.

''(B) NATIONAL REPORTING.—A State shall participate in the national database established under section 170102(b) in accordance with guidelines issued by the Attorney General, including transmission of current address information and other information on registrants to the extent provided by the guidelines.'';

(C) in paragraph (3)(A)—

(i) in the matter preceding clause (i), by striking ''on each'' and all that follows through ''applies:'' and inserting the following: ''State procedures shall provide for verification of address at least annually.''; and

(ii) by striking clauses (i) through (v);

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

(E) in paragraph (5), by striking ''shall register'' and all that follows before the period at

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

(F) by adding at the end the following:

''(7) REGISTRATION OF OUT-OF-STATE OFFENDERS, FEDERAL OFFENDERS, PERSONS SENTENCED BY COURTS MARTIAL, AND OFFENDERS CROSSING STATE BORDERS.—As provided in guidelines issued by the Attorney General, each State shall include in its registration program residents who were convicted in another State and shall ensure that procedures are in place to accept registration information from—

''(A) residents who were convicted in another State, convicted of a Federal offense, or sentenced by a court martial; and

''(B) nonresident offenders who have crossed into another State in order to work or attend school.''.

(3) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by redesignating subsections (c) through (f) as (d) through (g), respectively, and inserting after subsection (b) the following:

''(c) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Any person who is required under this section to register in the State in which such person resides shall also register in any State in which the person is employed, carries on a vocation, or is a student.''.

(4) RELEASE OF INFORMATION.—Section 170101(e)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)), as redesignated by subsection (c) of this section, is amended by striking ''The designated'' and all that follows through ''State agency'' and inserting ''The State or any agency authorized by the State''.

(5) IMMUNITY FOR GOOD FAITH CONDUCT.—Section 170101(f) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(f)), as redesignated by subsection (c) of this section, is amended by striking '', and State officials'' and inserting ''and independent contractors acting at the direction of such agencies, and State officials''.

(6) FBI REGISTRATION.—(A) Section 170102(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(2)) is amended by striking ''and 'predatory' '' and inserting the following: '' 'predatory', 'employed, or carries on a vocation', and 'student' ''.

(B) Section 170102(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(3)) is amended—

(i) in subparagraph (A), by inserting ''in a range of offenses specified by State law which is comparable to or exceeds that'' before ''described'';

(ii) by amending subparagraph (B) to read as follows:

''(B) participates in the national database established under subsection (b) of this section in conformity with guidelines issued by the Attorney General;''; and

(iii) by amending subparagraph (C) to read as follows:

''(C) provides for verification of address at least annually;''.

(C) Section 170102(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(i)) in the matter preceding paragraph (1), is amended by inserting ''or pursuant to section 170101(b)(7)'' after ''subsection (g)''.

(7) PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996.—Section 10 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 is amended by inserting at the end the following:

''(d) EFFECTIVE DATE.—States shall be allowed the time specified in subsection (b) to establish minimally sufficient sexual offender registration programs for purposes of the amendments made by section 2. Subsections (c) and (k) of section 170102 of the Violent Crime Control and Law Enforcement Act of 1994, and any requirement to issue related regulations, shall take effect at the conclusion of the time provided under this subsection for the establishment of minimally sufficient sexual offender registration programs.''.

(8) FEDERAL OFFENDERS AND MILITARY PERSONNEL.—(A) Section 4042 of title 18, United States Code, is amended—

(i) in subsection (a)(5), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)'';

(ii) in subsection (b), by striking paragraph (4);

(iii) by redesignating subsection (c) as subsection (d); and

(iv) by inserting after subsection (b) the following:

''(c) NOTICE OF SEX OFFENDER RELEASE.—(1) In the case of a person described in paragraph (4) who is released from prison or sentenced to probation, notice shall be provided to—

''(A) the chief law enforcement officer of the State and of the local jurisdiction in which the person will reside; and

''(B) a State or local agency responsible for the receipt or maintenance of sex offender registration information in the State or local jurisdiction in which the person will reside.

The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.

''(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall be subject to a registration requirement as a sex offender. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described in paragraph (4) during any period of probation, supervised release, or parole shall also be provided to the agencies and officers specified in paragraph (1) by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.

''(3) The Director of the Bureau of Prisons shall inform a person described in paragraph (4) who is released from prison that the person shall be subject to a registration requirement as a sex offender in any State in which the person resides, is employed, carries on a vocation, or is a student (as such terms are defined for purposes of section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994), and the same information shall be provided to a person described in paragraph (4) who is sentenced to probation by the probation officer responsible for supervision of the person or in a manner specified by the Director of the Administrative Office of the United States Courts.

''(4) A person is described in this paragraph if the person was convicted of any of the following offenses (including such an offense prosecuted pursuant to section 1152 or 1153):

''(A) An offense under section 1201 involving a minor victim.

''(B) An offense under chapter 109A.

''(C) An offense under chapter 110.

''(D) An offense under chapter 117.

''(E) Any other offense designated by the Attorney General as a sexual offense for purposes of this subsection.

''(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).''.

(B)(i) Section 3563(a) of title 18, United States Code, is amended by striking the matter at the end of paragraph (7) beginning with ''The results of a drug test'' and all that follows through the end of such paragraph and inserting that matter at the end of section 3563.

(ii) The matter inserted by subparagraph (A) at the end of section 3563 is amended—

(I) by striking ''The results of a drug test'' and inserting the following:

''(e) RESULTS OF DRUG TESTING.—The results of a drug test''; and

(II) by striking ''paragraph (4)'' each place it appears and inserting ''subsection (a)(5)''.

(iii) Section 3563(a) of title 18, United States Code, is amended—

(I) so that paragraphs (6) and (7) appear in numerical order immediately after paragraph (5);

(II) by striking ''and'' at the end of paragraph (6);

(III) in paragraph (7), by striking ''assessments.'' and inserting ''assessments; and''; and

(IV) by inserting immediately after paragraph (7) (as moved by clause (i)) the following new paragraph:

''(8) for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).''.

(iv) Section 3583(d) of title 18, United States Code, is amended by inserting after the second sentence the following: ''The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).''.

(v) Section 4209(a) of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting after the first sentence the following: ''In every case, the Commission shall impose as a condition of parole for a person described in section 4042(c)(4), that the parolee report the address where the parolee will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the parolee register in any State where the parolee resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).''.

(C)(i) The Secretary of Defense shall specify categories of conduct punishable under the Uniform Code of Military Justice which encompass a range of conduct comparable to that described in section 170101(a)(3)(A) and (B) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3)(A) and (B)), and such other conduct as the Secretary deems appropriate for inclusion for purposes of this subparagraph.

(ii) In relation to persons sentenced by a court martial for conduct in the categories specified under clause (i), the Secretary shall prescribe procedures and implement a system to—

(I) provide notice concerning the release from confinement or sentencing of such persons;

(II) inform such persons concerning registration obligations; and

(III) track and ensure compliance with registration requirements by such persons during

any period of parole, probation, or other conditional release or supervision related to the offense.

(iii) The procedures and requirements established by the Secretary under this subparagraph shall, to the maximum extent practicable, be consistent with those specified for Federal offenders under the amendments made by subparagraphs (A) and (B).

(iv) If a person within the scope of this subparagraph is confined in a facility under the control of the Bureau of Prisons at the time of release, the Bureau of Prisons shall provide notice of release and inform the person concerning registration obligations under the procedures specified in section 4042(c) of title 18, United States Code.

(9) PROTECTED WITNESS REGISTRATION.—Section 3521(b)(1) of title 18, United States Code, is amended—

(A) by striking ''and'' at the end of subparagraph (G);

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) protect the confidentiality of the identity and location of persons subject to registration requirements as convicted offenders under Federal or State law, including prescribing alternative procedures to those otherwise provided by Federal or State law for registration and tracking of such persons; and''.

(b) SENSE OF CONGRESS AND REPORT RELATING TO STALKING LAWS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that each State should have in effect a law that makes it a crime to stalk any individual, especially children, without requiring that such individual be physically harmed or abducted before a stalker is restrained or punished.

(2) REPORT.—The Attorney General shall include in an annual report under section 40610 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14039) information concerning existing or proposed State laws and penalties for stalking crimes against children.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, except that—

(1) subparagraphs (A), (B), and (C) of subsection (a)(8) shall take effect 1 year after the date of the enactment of this Act; and

(2) States shall have 3 years from such date of enactment to implement amendments made by this Act which impose new requirements under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, and the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement these amendments.

SEC. 116. (a) IN GENERAL.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153; Public Law 102–395) is amended—

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

(2) by striking ''five years'' and inserting ''seven years''.

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

SEC. 117. For fiscal year 1998, the Attorney General shall provide a magnetometer and not less than one qualified guard at each unsecured entrance to the real property (including offices, buildings, and related grounds and facilities) that is leased to the United States as a place of employment for Federal employees at 625 Silver, S.W., in Albuquerque, New Mexico for the duration of time that Department of Justice employees are occupants of this building, after which the General Services Administration shall provide the same level of security equipment and personnel at this location until the date on which the new Albuquerque federal building is occupied.

SEC. 118. Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

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

''(B)(i) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

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

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

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

SEC. 119. Section 1701(b)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended to read as follows—

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

SEC. 120. Section 212(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)) is amended—

(1) in subparagraph (A)(ii), by inserting ''except as provided in subparagraph (C),'' after ''(ii)''; and

(2) by adding at the end the following:

''(C) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR ADOPTED CHILDREN 10 YEARS OF AGE OR YOUNGER.—Clause (ii) of subparagraph (A) shall not apply to a child who—

''(i) is 10 years of age or younger,

''(ii) is described in section 101(b)(1)(F), and

''(iii) is seeking an immigrant visa as an immediate relative under section 201(b),

if, prior to the admission of the child, an adoptive parent or prospective adoptive parent of the child, who has sponsored the child for admission as an immediate relative, has executed an affidavit stating that the parent is aware of the provisions of subparagraph (A)(ii) and will ensure that, within 30 days of the child's admission, or at the earliest time that is medically appropriate, the child will receive the vaccinations identified in such subparagraph.''.

SEC. 121. 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. 122. (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. 123. (a) Notwithstanding any other provision of law relating to position classification or employee pay or performance, during the 3-year period beginning on the date of enactment of this Act, the Director of the Federal Bureau of Investigation may, with the approval of the Attorney General, establish a personnel management system providing for the compensation and performance management of not more than 3,000 non-Special Agent employees to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Federal Bureau of Investigation.

(b) Except as otherwise provided by law, no employee compensated under any system established under this section may be paid at a rate in excess of the rate payable for a position at level III of the Executive Schedule.

(c) Total payments to employees under any system established under this section shall be subject to the limitation on payments to employees set forth in section 5307 of title 5, United States Code.

(d) Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on Appropriations and the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, an operating plan describing the Director's intended use of the authority under this section, and identifying any provisions of title 5, United States Code, being waived for purposes of any personnel management system to be established by the Director under this section.

(e) Any performance management system established under this section shall have not less than 2 levels of performance above a retention standard.

(f) Not later than March 31, 2000, the Director of the Federal Bureau of Investigation shall submit to Congress an evaluation of the performance management system established under this section, which shall include—

(1) a comparison of—

(A) the compensation, benefits, and performance management provisions governing personnel of similar employment classification series in other departments and agencies of the Federal Government; and

(B) the costs, consistent with standards prescribed in Office of Management and Budget Circular A–76, of contracting for any services provided through those departments and agencies; and

(2) if appropriate, a recommendation for legislation to extend the authority under this section.

(g) Notwithstanding any other provision of law, the Secretary of the Treasury shall have the same authority provided to the Office of Personnel Management under section 4703 of title 5, United States Code, to establish, in the discretion of the Secretary, demonstration projects for a period of 3 years, for not to exceed a combined total of 950 employees, to fill critical

scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, and the United States Secret Service.

(h) The authority under this section shall terminate 3 years after the date of enactment of this Act.

SEC. 124. (a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking ''permits'' and inserting ''requires''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''no prisoner release order shall be entered unless'' and inserting ''no court shall enter a prisoner release order unless''; and

(ii) in subparagraph (F)—

(I) by inserting ''including a legislator'' after ''local official''; and

(II) by striking ''program'' and inserting ''prison'';

(2) in subsection (b)(3), by striking ''current or ongoing'' and inserting ''current and ongoing'';

(3) in subsection (e)—

(A) in paragraph (1), by adding at the end the following: ''Mandamus shall lie to remedy any failure to issue a prompt ruling on such a motion.'';

(B) in paragraph (2), by striking ''Any prospective relief subject to a pending motion shall be automatically stayed'' and inserting ''Any motion to modify or terminate prospective relief made under subsection (b) shall operate as a stay''; and

(C) by adding at the end the following:

''(3) POSTPONEMENT OF AUTOMATIC STAY.—The court may postpone the effective date of an automatic stay specified in subsection (e)(2)(A) for not more than 60 days for good cause. No postponement shall be permissible because of general congestion of the court's calendar.

''(4) ORDER BLOCKING THE AUTOMATIC STAY.—Any order staying, suspending, delaying, or barring the operation of the automatic stay described in paragraph (2) (other than an order to postpone the effective date of the automatic stay under paragraph (3)) shall be treated as an order refusing to dissolve or modify an injunction and shall be appealable pursuant to section 1292(a)(1) of title 28, United States Code, regardless of how the order is styled or whether the order is termed a preliminary or a final ruling.''.

(b) EFFECTIVE DATE.—The amendments made by this Act shall take effect upon the date of the enactment of this Act and shall apply to pending cases.

SEC. 125. Section 524(c)(8)(B) of title 28, United States Code, is amended by deleting ''1996, and 1997,'' and inserting ''and 1996,'' in place thereof.

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

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $23,450,000, of which $2,500,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses: Provided further, That the total number of political appointees on board as of May 1, 1998, shall not exceed 25 positions.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $41,200,000 to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $283,066,000, to remain available until expended: Provided, That of the $287,866,000 provided for in direct obligations (of which $283,066,000 is appropriated from the General Fund, and $4,800,000 is derived from unobligated balances and deobligations from prior years), $58,986,000 shall be for Trade Development, $17,340,000 shall be for the Market Access and Compliance, $28,770,000 shall be for the Import Administration, $171,070,000 shall be for the United States and Foreign Commercial Service, and $11,700,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $43,900,000 to remain available until expended, of which $1,900,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $340,000,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided further, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $21,028,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $25,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $47,499,000, to remain available until September 30, 1999.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

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

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $137,278,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to conduct the decennial census, $388,074,000, to remain available until expended.

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

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $16,550,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. §§ 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: Provided further, That, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Broadcasting Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $20,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: 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 provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $691,000,000, to remain available until expended: Provided, That of this amount, $664,000,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998 from the General Fund estimated at $0: Provided further, That during fiscal year 1998, should the total amount of offsetting fee collections be less than $664,000,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: Provided further, That any fees received in excess of $664,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That the remaining $27,000,000 shall be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law and shall remain available until expended.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,500,000, of which not to exceed $1,600,000 shall remain available until September 30, 1999.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $276,852,000, to remain available until expended, of which not to exceed $3,800,000 shall be used to fund a cooperative agreement with Texas Tech University for wind research; and of which not to exceed $5,000,000 of the amount above $268,000,000 shall be used to fund a cooperative agreement with Montana State University for a research program on green buildings; and of which not to exceed $1,625,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $113,500,000, to remain available until expended, of which not to exceed $300,000 may be transferred to the ''Working Capital Fund'': Provided, That notwithstanding the time limitations imposed by 15 U.S.C. 278k(c) (1) and (5) on the duration of Federal financial assistance that may be awarded by the Secretary of Commerce to Regional Centers for the transfer of Manufacturing Technology (''Centers''), such Federal financial assistance for a Center may continue beyond six years and may be renewed for additional periods, not to exceed one year, at a rate not to exceed one-third of the Center's total annual costs, subject before any such renewal to a positive evaluation of the Center and to a finding by the Secretary of Commerce that continuation of Federal funding to the Center is in the best interest of the Regional Centers for the transfer of Manufacturing Technology Program: Provided further, That the Center's most recent performance evaluation is positive, and the Center has submitted a reapplication which has successfully passed merit review.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $192,500,000, to remain available until expended, of which not to exceed $82,000,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the ''Working Capital Fund''.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $95,000,000, to remain available until expended: Provided, That of the amounts provided under this heading, $78,308,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 283 commissioned officers on the active list as of September 30, 1998; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,500,350,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such additional fees are received during fiscal year 1998, so as to result in a final General Fund appropriation estimated at not more than $1,497,350,000: Provided further, That any such additional fees received in excess of $3,000,000 in fiscal year 1998 shall not be available for obligation until October 1, 1998: Provided further, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $62,381,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: Provided further, That unexpended balances in the accounts ''Construction'' and ''Fleet Modernization, Shipbuilding and Conversion'' shall be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $489,609,000, to remain available until expended: Provided, That not to exceed $116,910,000 is available for the advanced weather interactive processing system, and may be available for obligation and expenditure only pursuant to a certification by the Secretary of Commerce that the total cost to complete the acquisition and deployment of the advanced weather interactive processing system and NOAA Port system, including program management, operations and maintenance costs through deployment will not exceed $188,700,000: Provided further, That unexpended balances of

amounts previously made available in the ''Operations, Research, and Facilities'' account and the ''Construction'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

COASTAL ZONE MANAGEMENT FUND

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

FISHERMEN'S CONTINGENCY FUND

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

FOREIGN FISHING OBSERVER FUND

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

FISHERIES FINANCE PROGRAM ACCOUNT

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

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $27,490,000.

OFFICE OF INSPECTOR GENERAL

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

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $20,000,000 are rescinded.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $3,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

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

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

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

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

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

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce or any portion thereof to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. (a) Congress finds that—

(1) it is the constitutional duty of the Congress to ensure that the decennial enumeration of the population is conducted in a manner consistent with the Constitution and laws of the United States;

(2) the sole constitutional purpose of the decennial enumeration of the population is the apportionment of Representatives in Congress among the several States;

(3) section 2 of the 14th article of amendment to the Constitution clearly states that Representatives are to be ''apportioned among the several States according to their respective numbers, counting the whole number of persons in each State'';

(4) article I, section 2, clause 3 of the Constitution clearly requires an ''actual Enumeration'' of the population, and section 195 of title 13, United States Code, clearly provides ''Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title.'';

(5) the decennial enumeration of the population is one of the most critical constitutional functions our Federal Government performs;

(6) it is essential that the decennial enumeration of the population be as accurate as possible, consistent with the Constitution and laws of the United States;

(7) the use of statistical sampling or statistical adjustment in conjunction with an actual enumeration to carry out the census with respect to any segment of the population poses the risk of an inaccurate, invalid, and unconstitutional census;

(8) the decennial enumeration of the population is a complex and vast undertaking, and if such enumeration is conducted in a manner that does not comply with the requirements of the Constitution or laws of the United States, it would be impracticable for the States to obtain, and the courts of the United States to provide, meaningful relief after such enumeration has been conducted; and

(9) Congress is committed to providing the level of funding that is required to perform the entire range of constitutional census activities, with a particular emphasis on accurately enumerating all individuals who have historically been undercounted, and toward this end, Congress expects—

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

(B) the hiring of enumerators from within those communities;

(C) continued cooperation with local government on address list development; and

(D) maximized census employment opportunities for individuals seeking to make the transition from welfare to work.

(b) Any person aggrieved by the use of any statistical method in violation of the Constitution or any provision of law (other than this Act), in connection with the 2000 or any later decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress, may in a civil action obtain declaratory, injunctive, and any other appropriate relief against the use of such method.

(c) For purposes of this section—

(1) the use of any statistical method as part of a dress rehearsal or other simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census; and

(2) the report ordered by title VIII of Public Law 105–18 and the Census 2000 Operational Plan shall be deemed to constitute final agency action regarding the use of statistical methods in the 2000 decennial census, thus making the

question of their use in such census sufficiently concrete and final to now be reviewable in a judicial proceeding.

(d) For purposes of this section, an aggrieved person (described in subsection (b)) includes—

(1) any resident of a State whose congressional representation or district could be changed as a result of the use of a statistical method challenged in the civil action;

(2) any Representative or Senator in Congress; and

(3) either House of Congress.

(e)(1) Any action brought under this section shall be heard and determined by a district court of three judges in accordance with section 2284 of title 28, United States Code. The chief judge of the United States court of appeals for each circuit shall, to the extent practicable and consistent with the avoidance of unnecessary delay, consolidate, for all purposes, in one district court within that circuit, all actions pending in that circuit under this section. Any party to an action under this section shall be precluded from seeking any consolidation of that action other than is provided in this paragraph. In selecting the district court in which to consolidate such actions, the chief judge shall consider the convenience of the parties and witnesses and efficient conduct of such actions. Any final order or injunction of a United States district court that is issued pursuant to an action brought under this section shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under this section may be issued by a single Justice of the Supreme Court.

(2) It shall be the duty of a United States district court hearing an action brought under this section and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any such matter.

(f) Any agency or entity within the executive branch having authority with respect to the carrying out of a decennial census may in a civil action obtain a declaratory judgment respecting whether or not the use of a statistical method, in connection with such census, to determine the population for the purposes of the apportionment or redistricting of members in Congress is forbidden by the Constitution and laws of the United States.

(g) The Speaker of the House of Representatives or the Speaker's designee or designees may commence or join in a civil action, for and on behalf of the House of Representatives, under any applicable law, to prevent the use of any statistical method, in connection with the decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress. It shall be the duty of the Office of the General Counsel of the House of Representatives to represent the House in such civil action, according to the directions of the Speaker. The Office of the General Counsel of the House of Representatives may employ the services of outside counsel and other experts for this purpose.

(h) For purposes of this section and section 210—

(1) the term ''statistical method'' means an activity related to the design, planning, testing, or implementation of the use of representative sampling, or any other statistical procedure, including statistical adjustment, to add or subtract counts to or from the enumeration of the population as a result of statistical inference; and

(2) the term ''census'' or ''decennial census'' means a decennial enumeration of the population.

(i) Nothing in this Act shall be construed to authorize the use of any statistical method, in connection with a decennial census, for the apportionment or redistricting of members in Congress.

(j) Sufficient funds appropriated under this Act or under any other Act for purposes of the 2000 decennial census shall be used by the Bureau of the Census to plan, test, and become prepared to implement a 2000 decennial census, without using statistical methods, which shall result in the percentage of the total population actually enumerated being as close to 100 percent as possible. In both the 2000 decennial census, and any dress rehearsal or other simulation made in preparation for the 2000 decennial census, the number of persons enumerated without using statistical methods must be publicly available for all levels of census geography which are being released by the Bureau of the Census for (1) all data releases before January 1, 2001, (2) the data contained in the 2000 decennial census Public Law 94–171 data file released for use in redistricting, (3) the Summary Tabulation File One (STF–1) for the 2000 decennial census, and (4) the official populations of the States transmitted from the Secretary of Commerce through the President to the Clerk of the House used to reapportion the districts of the House among the States as a result of the 2000 decennial census. Simultaneously with any other release or reporting of any of the information described in the preceding sentence through other means, such information shall be made available to the public on the Internet. These files of the Bureau of the Census shall be available concurrently to the release of the original files to the same recipients, on identical media, and at a comparable price. They shall contain the number of persons enumerated without using statistical methods and any additions or subtractions thereto. These files shall be based on data gathered and generated by the Bureau of the Census in its official capacity.

(k) This section shall apply in fiscal year 1998 and succeeding fiscal years.

SEC. 210. (a) There shall be established a board to be known as the Census Monitoring Board (hereinafter in this section referred to as the ''Board'').

(b) The function of the Board shall be to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census (including all dress rehearsals and other simulations of a census in preparation therefor).

(c)(1) The Board shall be composed of 8 members as follows:

(A) 2 individuals appointed by the majority leader of the Senate.

(B) 2 individuals appointed by the Speaker of the House of Representatives.

(C) 4 individuals appointed by the President, of whom—

(i) 1 shall be on the recommendation of the minority leader of the Senate; and

(ii) 1 shall be on the recommendation of the minority leader of the House of Representatives.

All members of the Board shall be appointed within 60 days after the date of enactment of this Act. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(2) Members shall not be entitled to any pay by reason of their service on the Board, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) The Board shall have—

(A) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(C).

(4) The Board shall meet at the call of either co-chairman.

(5) A quorum shall consist of 5 members of the Board.

(6) The Board may promulgate any regulations necessary to carry out its duties.

(d)(1) The Board shall have—

(A) an executive director who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) an executive director who shall be appointed jointly by the members under subsection (c)(1)(C),

each of whom shall be paid at a rate not to exceed level IV of the Executive Schedule.

(2) Subject to such rules as the Board may prescribe, each executive director—

(A) may appoint and fix the pay of such additional personnel as that executive director considers appropriate; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of pay payable for grade GS–15 of the General Schedule.

Such rules shall include provisions to ensure an equitable division or sharing of resources, as appropriate, between the respective staff of the Board.

(3) The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(4) The Administrator of the General Services Administration, in coordination with the Secretary of Commerce, shall locate suitable office space for the operation of the Board in the W. Edwards Deming Building in Suitland, Maryland. The facilities shall serve as the headquarters of the Board and shall include all necessary equipment and incidentals required for the proper functioning of the Board.

(e)(1) For the purpose of carrying out its duties, the Board may hold such hearings (at the call of either co-chairman) and undertake such other activities as the Board determines to be necessary to carry out its duties.

(2) The Board may authorize any member of the Board or of its staff to take any action which the Board is authorized to take by this subsection.

(3)(A) Each co-chairman of the Board and any members of the staff who may be designated by the Board under this paragraph shall be granted access to any data, files, information, or other matters maintained by the Bureau of the Census (or received by it in the course of conducting a decennial census of population) which they may request, subject to such regulations as the Board may prescribe in consultation with the Secretary of Commerce.

(B) The Board or the co-chairmen acting jointly may secure directly from any other Federal agency, including the White House, all information that the Board considers necessary to enable the Board to carry out its duties. Upon request of the Board or both co-chairmen, the head of that agency (or other person duly designated for purposes of this paragraph) shall furnish that information to the Board.

(4) The Board shall prescribe regulations under which any member of the Board or of its staff, and any person whose services are procured under subsection (d)(2)(B), who gains access to any information or other matter pursuant to this subsection shall, to the extent that any provisions of section 9 or 214 of title 13, United States Code, would apply with respect to such matter in the case of an employee of the Department of Commerce, be subject to such provisions.

(5) Upon the request of the Board, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Board to assist the Board in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(6) Upon the request of the Board, the head of a Federal agency shall provide such technical

assistance to the Board as the Board determines to be necessary to carry out its duties.

(7) The Board may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(8) Upon request of the Board, the Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(9) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Board shall be deemed to be a committee of the Congress.

(f)(1) The Board shall transmit to the Congress—

(A) interim reports, with the first such report due by April 1, 1998;

(B) additional reports, the first of which shall be due by February 1, 1999, the second of which shall be due by April 1, 1999, and subsequent reports at least semiannually thereafter;

(C) a final report which shall be due by September 1, 2001; and

(D) any other reports which the Board considers appropriate.

The final report shall contain a detailed statement of the findings and conclusions of the Board with respect to the matters described in subsection (b).

(2) In addition to any matter otherwise required under this subsection, each such report shall address, with respect to the period covered by such report—

(A) the degree to which efforts of the Bureau of the Census to prepare to conduct the 2000 census—

(i) shall achieve maximum possible accuracy at every level of geography;

(ii) shall be taken by means of an enumeration process designed to count every individual possible; and

(iii) shall be free from political bias and arbitrary decisions; and

(B) efforts by the Bureau of the Census intended to contribute to enumeration improvement, specifically, in connection with—

(i) computer modernization and the appropriate use of automation;

(ii) address list development;

(iii) outreach and promotion efforts at all levels designed to maximize response rates, especially among groups that have historically been undercounted (including measures undertaken in conjunction with local government and community and other groups);

(iv) establishment and operation of field offices; and

(v) efforts relating to the recruitment, hiring, and training of enumerators.

(3) Any data or other information obtained by the Board under this section shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon request of the chairman or ranking minority member of such committee or subcommittee. No such committee or subcommittee, or member thereof, shall disclose any information obtained under this paragraph which is submitted to it on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest.

(4) The Board shall study and submit to Congress, as part of its first report under paragraph (1)(A), its findings and recommendations as to the feasibility and desirability of using postal personnel or private contractors to help carry out the decennial census.

(g) There is authorized to be appropriated $4,000,000 for each of fiscal years 1998 through 2001 to carry out this section.

(h) To the extent practicable, members of the Board shall work to promote the most accurate and complete census possible by using their positions to publicize the need for full and timely responses to census questionnaires.

(i)(1) No individual described in paragraph (2) shall be eligible—

(A) to be appointed or to continue serving as a member of the Board or as a member of the staff thereof; or

(B) to enter into any contract with the Board.

(2) This subsection applies with respect to any individual who is serving or who has ever served—

(A) as the Director of the Census; or

(B) with any committee or subcommittee of either House of Congress, having jurisdiction over any aspect of the decennial census, as—

(i) a Member of Congress; or

(ii) a congressional employee.

(j) The Board shall cease to exist on September 30, 2001.

(k) Section 9(a) of title 13, United States Code, is amended in the matter before paragraph (1) thereof by striking ''of this title—'' and inserting ''of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998—''.

SEC. 211. (a) Section 401 of title 22, United States Code, is amended—

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

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

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

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

SEC. 212. Notwithstanding any other provision of law, the Economic Development Administration is directed to transfer funds obligated and awarded to the Butte-Silver Bow Consolidated Local Government as Project Number 05–01–02822 to the Butte Local Development Corporation Revolving Loan Fund to be administered by the Butte Local Development Corporation, such funds to remain available until expended, and, in accordance with section 1557 of title 31, United States Code, funds obligated and awarded in fiscal year 1994 under the heading ''Economic Development Administration-Economic Development Assistance Programs'' for Metropolitan Dade County, Florida, and subsequently transferred to Miami-Dade Community College for Project No. 04–49–04021 shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure without fiscal year limitation.

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

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $29,245,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,400,000, of which $485,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $15,575,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,449,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,682,400,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

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

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $40,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C.

1875(d); $329,529,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $64,438,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $167,214,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $52,000,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

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

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

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

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,240,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

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

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

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

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

SEC. 305. (a) COMMISSION ON STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS.—

(1) ESTABLISHMENT AND FUNCTIONS OF COMMISSION.—

(A) ESTABLISHMENT.—There is established a Commission on Structural Alternatives for the Federal Courts of Appeals (hereinafter referred to as the ''Commission'').

(B) FUNCTIONS.—The functions of the Commission shall be to—

(i) study the present division of the United States into the several judicial circuits;

(ii) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(iii) report to the President and the Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 5 members who shall be appointed by the Chief Justice of the United States.

(B) APPOINTMENT.—The members of the Commission shall be appointed within 30 days after the date of enactment of this Act.

(C) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(D) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(E) QUORUM.—Three members of the Commission shall constitute a quorum, but two may conduct hearings.

(3) COMPENSATION.—

(A) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(B) PRIVATE MEMBERS.—Members of the Commission from private life shall receive $200 for each day (including travel time) during which the member is engaged in the actual performance of duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(4) PERSONNEL.—

(A) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the compensation of such additional personnel as the Executive Director determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this paragraph shall not exceed the annual maximum rate of basic pay for a position above GS–15 of the General Schedule under section 5108 of title 5, United States Code.

(C) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(D) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, to the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services to the Commission on a reimbursable basis.

(5) INFORMATION.—The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance the Commission determines necessary to carry out its functions under this section. Each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

(6) REPORT.—The Commission shall conduct the studies required in this section during the 10-month period beginning on the date on which a quorum of the Commission has been appointed. Not later than 2 months following the completion of such 10-month period, the Commission shall submit its report to the President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums, not to exceed $900,000, as may be necessary to carry out the purposes of this section. Such sums as are appropriated shall remain available until expended.

SEC. 306. Pursuant to section 140 of Public Law 97–92, justices and judges of the United States are authorized during fiscal year 1998, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $5,000,000 is available for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in Title III of this Act.

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

SEC. 308. Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4) DISCLOSURE OF FEES.—

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

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

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

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

''(I) Arraignment and or plea.

''(II) Bail and detention hearings.

''(III) Motions.

''(IV) Hearings.

''(V) Interviews and conferences.

''(VI) Obtaining and reviewing records.

''(VII) Legal research and brief writing.

''(VIII) Travel time.

''(IX) Investigative work.

''(X) Experts.

''(XI) Trial and appeals.

''(XII) Other.

''(C) TRIAL COMPLETED.—

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

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

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

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

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

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

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

''(v) the safety of any person; and

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

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

''(F) EFFECTIVE DATE.—The amendment made by paragraph (4) shall become effective 60 days after enactment of this Act, will apply only to cases filed on or after the effective date, and shall be in effect for no longer than twenty-four months after the effective date.''.

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

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c), and 22 U.S.C. 2674; and for expenses of general administration; $1,705,600,000: Provided, That of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), fees may be collected during fiscal years 1998 and 1999 under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal years 1998 and 1999 as an offsetting collection to appropriations made under this heading to recover the costs as set forth under section 140(a)(2) of that Act and shall remain available until expended.

In addition to funds otherwise available, of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and $17,312,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended.

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

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

In addition, for counterterrorism requirements overseas, including security guards and equipment, $23,700,000, to remain available until expended.

SALARIES AND EXPENSES

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

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $86,000,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

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

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,200,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $7,900,000, to remain available until September 30, 1999.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $404,000,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

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

REPATRIATION LOANS PROGRAM ACCOUNT

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

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $14,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

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

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $955,515,000, of which not to exceed $54,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the United States assessed share of the United Nations regular budget to 20 percent and of peacekeeping operations to 25 percent; reimbursement for goods and services provided by the United States to the United Nations; certification that the United Nations and its specialized or affiliated agencies have not taken any action to infringe on the sovereignty of the United States; a ceiling on United States contributions to international organizations after fiscal year 1998 of $900,000,000; establishment of a merit-based personnel system at the United Nations that includes a code of conduct

and a personnel evaluation system; United States membership on the Advisory Committee on Administrative and Budgetary Questions that oversees the United Nations budget; access to United Nations financial data by the General Accounting Office; and achievement of a negative growth budget and the establishment of independent inspectors general for affiliated organizations; and improved consultation procedures with the Congress: Provided further, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 and under such other requirements related to the Office of Internal Oversight Services of the United Nations as may be enacted into law for fiscal year 1998: Provided further, That certification under section 401(b) of Public Law 103–236 for fiscal year 1998 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six-month period elsewhere in the United Nations budget and cause the United Nations to exceed the expected reform budget for the biennium 1998–1999 of $2,533,000,000: Provided further, That not to exceed $12,000,000 shall be transferred from funds made available under this heading to the ''International Conferences and Contingencies'' account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, provided that such transferred funds are obligated or expended only for Commission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing internationally-based monitoring systems involved in cooperative data sharing agreements with the United States as of date of enactment of this Act, until the U.S. Senate ratifies the Comprehensive Nuclear Test Ban Treaty.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security $256,000,000, of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act described in the first proviso under the heading ''Contributions to International Organizations'' in this title: Provided further, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

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

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $17,490,000.

CONSTRUCTION

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

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,490,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

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

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $41,500,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the unexpended balances previously appropriated under this heading, $700,000 are rescinded.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

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

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology 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), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $197,731,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): Provided, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other provision of law, fees from educational advising and counseling.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–

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

ISRAELI ARAB SCHOLARSHIP PROGRAM

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

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities, $364,415,000, of which $12,100,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, 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.

BROADCASTING TO CUBA

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

RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $40,000,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $12,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $1,500,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democacy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

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

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

SEC. 403. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

SEC. 404. (a)(1) For purposes of implementing the International Cooperative Administrative Support Services program in fiscal year 1998, the amounts referred to in paragraph (2) shall be transferred in accordance with the provisions of subsection (b).

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

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

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

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

(1) Appropriations for the Legislative Branch—

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

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

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

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

(4) Appropriations for the Department of Justice—

(A) for legal activities—

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

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

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

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

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

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

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

(7) Appropriations to the President—

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

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

(C) for the Agency for International Development—

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

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

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

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

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

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

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

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

(E) for the Department of State—

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

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

(8) Appropriations for the Department of Defense—

(A) for operation and maintenance—

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

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

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

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

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

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

(10) Appropriations for the Department of Agriculture—

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

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

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

(11) Appropriations for the Department of Treasury—

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

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

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

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

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

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

(12) Appropriations for the Department of Transportation—

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

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

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

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

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

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

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

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

(16) Appropriations for the Department of the Interior—

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

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

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

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

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

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

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

(21) Appropriations for the Department of Energy—

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

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

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

(c)(1) The amount in subsection (a)(2)(A) is reduced by $2,800,000.

(2) Each amount in subsection (b) is reduced on a pro rata basis in the same proportion as $2,800,000 bears to $112,462,000, rounded to the nearest thousand.

SEC. 405. (a) An employee who regularly commutes from his or her place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization adjustment equal to the amount of comparability payments under section 5304 of title V, United States Code, that he or she would receive if assigned to an official duty station within the United States locality pay area closest to the employee's official duty station.

(b) For purposes of this section, the term ''employee'' shall mean a person who—

(1) is an ''employee'' as defined under section 2105 of title V, United States Code, and

(2) is employed by the United States Department of State, the United States Information Agency, the United States Agency for International Development, or the International Joint Commission, except that the term shall not include members of the Foreign Service as defined by section 103 of the Foreign Service Act of 1980 (P.L. 96–465), section 3903 of title 22 of the United States Code.

(c) An equalization adjustment payable under this section shall be considered basic pay for the same purposes as are comparability payments under section 5304 of title V, United States Code, and its implementing regulations.

(d) The agencies referenced in subsection (c)(2) are authorized to promulgate regulations to carry out the purposes of this section.

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

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies, as authorized by the Merchant Marine Act, 1936, as amended, $51,030,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $35,500,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $67,600,000: Provided, That reimbursements may be made to this appropriation from receipts to the ''Federal Ship Financing Fund'' for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $32,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,725,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

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

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

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $250,000, as authorized by Public Law 99–83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

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

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

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

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

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

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $186,514,000, of which not to exceed $300,000 shall remain available until September 30, 1999, for research and policy studies: Provided, That $162,523,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation estimated at $23,991,000: Provided further, That any offsetting collections received in excess of $162,523,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as

authorized by 5 U.S.C. 5901–02; $14,000,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $88,500,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $18,500,000, to remain available until expended: Provided further, That any fees received in excess of $70,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $283,000,000, of which $274,400,000 is for basic field programs and required independent audits; $1,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $7,100,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

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

(b) INAPPLICABILITY OF CERTAIN PROCEDURES.—Sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 2996j) shall not apply to the provision, denial, suspension, or termination of any financial assistance using funds appropriated in this Act.

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

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

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

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

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

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

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

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

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

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

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

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

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

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

SEC. 504. (a) DEBARMENT.—The Legal Services Corporation may debar a recipient, on a showing of good cause, from receiving an additional award of financial assistance from the Corporation. Any such action to debar a recipient shall be instituted after the Corporation provides notice and an opportunity for a hearing to the recipient.

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

(c) GOOD CAUSE.—In this section, the term ''good cause'', used with respect to debarment, includes—

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

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

(3) substantial violation by the recipient of the statutory or regulatory restrictions that prohibit recipients from using financial assistance made available by the Legal Services Corporation or other financial assistance for purposes prohibited under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or for involvement in any activity prohibited by, or inconsistent with, section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), section 502(a)(2) of Public Law 104–208 (110 Stat. 3009–59 et seq.), or section 502(a)(2) of this Act;

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

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

SEC. 505. (a) Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(b) Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in semiannual reports, the following information about each case filed by its attorneys in any court:

(1) The name and full address of each party to the legal action unless such information is protected by an order or rule of a court or by State or Federal law or revealing such information would put the client of the recipient of such Federal funds at risk of physical harm.

(2) The cause of action in the case.

(3) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(c) The case information disclosed in semi-annual reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.

SEC. 506. In establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,185,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $283,000,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses

for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance, (2) any travel and transportation to or from such meetings, and (3) any other related lodging or subsistance: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: Provided further, That not to exceed $249,523,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated from the General Fund for fiscal year 1998 under this heading shall be reduced as all such offsetting fees are deposited to this appropriation so as to result in a final total fiscal year 1998 appropriation from the General Fund estimated at not more than $33,477,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $254,200,000, of which: $3,000,000 shall be available for a grant to Lackawanna County, Pennsylvania for infrastructure development to assist in small business development; $3,000,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; $2,000,000 shall be for a grant to Western Carolina University to develop a facility to assist in small business and rural economic development; $1,500,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; $1,000,000 shall be for a grant for the Genesis Small Business Incubator Facility, Fayetteville, Arkansas; and $500,000 shall be available for a continuation grant to the Center for Entrepreneurial Opportunity in Greensburg, Pennsylvania, to provide for small business consulting and assistance: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $75,800,000 shall be available to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

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

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, $181,232,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 1999: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 1998, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended: Provided further, That during fiscal year 1998, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act.

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

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $23,200,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $150,000,000, including not to exceed $500,000 for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums shall be transferred to and merged with appropriations for the Office of the Inspector General.

SURETY BOND GUARANTEES REVOLVING FUND

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

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

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

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $6,850,000, to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

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

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

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

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

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

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

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

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

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

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines

do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for: (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days the following:

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

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

(ii) Recovering and repatriating American remains.

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

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

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

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

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

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

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

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

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

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings ''Operations, Research, and Facilities'' and ''Procurement, Acquisition and Construction'' may be used to implement sections 603, 604, and 605 of Public Law 102–567: Provided, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading ''OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are paid by the entity at the time of retirement or separation.

SEC. 616. (a) None of the funds made available in this Act may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length or of more than 750 gross registered tons, and that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower—

(1) as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); or

(2) that would allow such a vessel to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States (except territories), unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997 and such fishery endorsement was not surrendered at any time thereafter.

(b) Any fishing permit or authorization issued or renewed prior to the date of the enactment of this Act for a fishing vessel to which the prohibition in subsection (a)(1) applies that would allow such vessel to engage in fishing for Atlantic mackerel or herring (or both) during fiscal year 1998 shall be null and void, and none of the funds made available in this Act may be used to issue a fishing permit or authorization that would allow a vessel whose permit or authorization was made null and void pursuant to this subsection to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States.

SEC. 617. During fiscal year 1998 and in any fiscal year thereafter, the court, in any criminal case (other than a case in which the defendant is represented by assigned counsel paid for by the public) pending on or after the date of the enactment of this Act, may award to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation expenses, where the court finds that the position of the United States was vexatious, frivolous, or in bad faith, unless the court finds that special circumstances make such an award unjust. Such awards shall be granted pursuant to the procedures and limitations (but not the burden of proof) provided for an award under section 2412 of title 28, United States Code. To determine whether or not to award fees and costs under this section, the court, for good cause shown, may receive evidence ex parte and in camera (which shall include the submission of classified evidence or evidence that reveals or might reveal the identity of an informant or undercover agent or matters occurring before a grand jury) and evidence or testimony so received shall be kept under seal. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

SEC. 618. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 619. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

SEC. 620. The second proviso of the second paragraph under the heading ''OFFICE OF THE CHIEF SIGNAL OFFICER.'' in the Act entitled ''An Act Making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one'', approved May 26, 1900 (31 Stat. 206; chapter 586; 47 U.S.C. 17), is repealed.

SEC. 621. 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 Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

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

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

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

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

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

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

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this 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 and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 622. Section 3006 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251, 269) is hereby repealed. This section shall be deemed a section of the Balanced Budget Act of 1997 for the purposes of section 10213 of that Act (111 Stat. 712), and shall be scored pursuant to paragraph (2) of such section.

SEC. 623. (a) REPORT ON UNIVERSAL SERVICE UNDER THE TELECOMMUNICATIONS ACT OF 1996.—The Federal Communications Commission shall undertake a review of the implementation by the Commission of the provisions of the Telecommunications Act of 1996 (Public Law 104–104) relating to universal service. Such review shall be completed and submitted to the Congress no later than April 10, 1998.

(b) The report required under subsection (a) shall provide a detailed description of the extent to which the Commission interpretations reviewed under paragraphs (1) through (5) are consistent with the plain language of the Communications Act of 1934 (47 U.S.C. 151 et seq.), as amended by the Telecommunications Act of 1996, and shall include a review of—

(1) the definitions of ''information service,'' ''local exchange carrier,'' ''telecommunications,'' ''telecommunications service,'' ''telecommunications carrier,'' and ''telephone exchange service'' that were added to section 3 of the Communications Act of 1934 (47 U.S.C. 153) by the Telecommunications Act of 1996 and the impact of the Commission's interpretation of those definitions on the current and future provision of universal service to consumers in all areas of the nation, including high cost and rural areas;

(2) the application of those definitions to mixed or hybrid services and the impact of such application on universal service definitions and support, and the consistency of the Commission's application of those definitions, including with respect to Internet access under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h));

(3) who is required to contribute to universal service under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)) and related existing federal universal service support mechanisms, and of any exemption of providers or exclusion of any service that includes telecommunications from such requirement or support mechanisms;

(4) who is eligible under sections 254(e), 254(h)(1), and 254(h)(2) of the Communications Act of 1934 (47 U.S.C. 254(e), 254(h)(1), and 254(h)(2)) to receive specific federal universal service support for the provision of universal service, and the consistency with which the Commission has interpreted each of those provisions of section 254; and

(5) the Commission's decisions regarding the percentage of universal service support provided by federal mechanisms and the revenue base from which such support is derived.

SEC. 624. Section 6(d)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(d)(1)) is amended by striking the word ''fourteen'' and inserting in lieu thereof ''eight''.

SEC. 625. (a) Section 814(g)(1) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 2291 note) is amended by striking ''$325,000'' and inserting ''$370,000''.

(b) Section 814(i) of such section is amended by striking ''September 30, 1997'' and inserting ''September 30, 1999''.

SEC. 626. In addition to amounts otherwise made available for payment of obligations in carrying out 49 U.S.C. 5338(a), $50,000,000 shall remain available until expended and to be derived from the Highway Trust Fund: Provided, That $50,000,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account: Provided further, That subsection (c) of section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998 is amended by inserting after ''House and Senate Committees on Appropriations'', the following: ''and the Senate Committee on Commerce, Science, and Transportation''.

SEC. 627. (a) Section 501(c)(4) of the District of Columbia Police and Firemen's Act of 1958, (District of Columbia Code, section 4–416(c)(4)), is amended by striking ''locality pay'' and inserting ''longevity pay''.

(b) The amendment made by section (a) is effective on the date of enactment of Public Law 105–61.

SEC. 628. Section 19(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(a)) is amended to read as follows:

''(a) Subject to section 18, there are authorized to be appropriated, for fiscal year 1998, and for each fiscal year thereafter, an amount equal to the amount of funds derived from the assessments authorized by section 18(a).''.

SEC. 629. (a) IN GENERAL.—The Secretary of Energy shall—

(1) convey, without consideration, to the Incorporated County of Los Alamos, New Mexico (in this section referred to as the ''County''), or to the designee of the County, fee title to the parcels of land that are allocated for conveyance to the County in the agreement under subsection (e); and

(2) transfer to the Secretary of the Interior, in trust for the Pueblo of San Ildefonso (in this section referred to as the ''Pueblo''), administrative jurisdiction over the parcels that are allocated for transfer to the Secretary of the Interior in such agreement.

(b) PRELIMINARY IDENTIFICATION OF PARCELS OF LAND FOR CONVEYANCE OR TRANSFER.—(1) Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report identifying the parcels of land under the jurisdiction or administrative control of the Secretary at or in the vicinity of Los Alamos National Laboratory that are suitable for conveyance or transfer under this section.

(2) A parcel is suitable for conveyance or transfer for purposes of paragraph (1) if the parcel—

(A) is not required to meet the national security mission of the Department of Energy or will not be required for that purpose before the end of the 10-year period beginning on the date of enactment of this Act;

(B) is likely to be conveyable or transferable, as the case may be, under this section not later than the end of such period; and

(C) is suitable for use for a purpose specified in subsection (h).

(c) REVIEW OF TITLE.—(1) Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of a title search on each parcel of land identified as suitable for conveyance or transfer under subsection (b), including an analysis of any claims against or other impairments to the fee title to each such parcel.

(2) In the period beginning on the date of the completion of the title search with respect to a parcel under paragraph (1) and ending on the date of the submittal of the report under that paragraph, the Secretary shall take appropriate actions to resolve the claims against or other impairments, if any, to fee title that are identified with respect to the parcel in the title search.

(d) ENVIRONMENTAL RESTORATION.—(1) Not later than 21 months after the date of enactment of this Act, the Secretary shall—

(A) identify the environmental restoration or remediation, if any, that is required with respect to each parcel of land identified under subsection (b) to which the United States has fee title;

(B) carry out any review of the environmental impact of the conveyance or transfer of each such parcel that is required under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) submit to Congress a report setting forth the results of the activities under subparagraphs (A) and (B).

(2) If the Secretary determines under paragraph (1) that a parcel described in paragraph (1)(A) requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the parcel not later than 10 years after the date of enactment of this Act.

(e) AGREEMENT FOR ALLOCATION OF PARCELS.—As soon as practicable after completing the review of titles to parcels of land under subsection (c), but not later than 90 days after the submittal of the report under subsection (d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo the parcels identified for conveyance or transfer under subsection (b).

(f) PLAN FOR CONVEYANCE AND TRANSFER.—(1) Not later than 90 days after the date of the submittal to the Secretary of Energy of the agreement under subsection (e), the Secretary shall submit to the congressional defense committees a plan for conveying or transferring parcels of land under this section in accordance with the allocation specified in the agreement.

(2) The plan under paragraph (1) shall provide for the completion of the conveyance or transfer of parcels under this section not later than 9 months after the date of the submittal of the plan under that paragraph.

(g) CONVEYANCE OR TRANSFER.—(1) Subject to paragraphs (2) and (3), the Secretary shall convey or transfer parcels of land in accordance with the allocation specified in the agreement submitted to the Secretary under subsection (e).

(2) In the case of a parcel allocated under the agreement that is not available for conveyance

or transfer in accordance with the requirement in subsection (f)(2) by reason of its requirement to meet the national security mission of the Department, the Secretary shall convey or transfer the parcel, as the case may be, when the parcel is no longer required for that purpose.

(3)(A) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with such requirement by reason of requirements for environmental restoration or remediation, the Secretary shall convey or transfer the parcel, as the case may be, upon the completion of the environmental restoration or remediation that is required with respect to the parcel.

(B) If the Secretary determines that environmental restoration or remediation cannot reasonably be expected to be completed with respect to a parcel by the end of the 10-year period beginning on the date of enactment of this Act, the Secretary shall not convey or transfer the parcel under this section.

(h) USE OF CONVEYED OR TRANSFERRED LAND.—The parcels of land conveyed or transferred under this section shall be used for historic, cultural, or environmental preservation purposes, economic diversification purposes, or community self-sufficiency purposes.

(i) TREATMENT OF CONVEYANCES AND TRANSFERS.—(1) The purpose of the conveyances and transfers under this section is to fulfill the obligations of the United States with respect to Los Alamos National Laboratory, New Mexico, under sections 91 and 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391, 2394).

(2) Upon the completion of the conveyance or transfer of the parcels of land available for conveyance or transfer under this section, the Secretary shall make no further payments with respect to Los Alamos National Laboratory under section 91 or section 94 of the Atomic Energy Community Act of 1955.

(j) REPEAL OF SUPERSEDED PROVISION.—In the event of the enactment of the National Defense Authorization Act for Fiscal Year 1998 by reason of the approval of the President of the conference report to accompany the bill (H.R.1119) of the 105th Congress, section 3165 of such Act is repealed.

SEC. 630. (a) Section 6906 of title 31, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Necessary''; and

(2) by adding at the end the following:

''(b) LOCAL EXEMPTIONS FROM USER FEES DUE TO INSUFFICIENT APPROPRIATIONS.—

''(1) IN GENERAL.—Unless sufficient funds are appropriated for a fiscal year to provide full payments under this chapter to each unit of general local government that lies in whole or in part within the White Mountain National Forest and is eligible for the payments, persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

''(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from requirements to pay user fees under paragraph (1).''.

SEC. 631. Section 512(b) of Public Law 105–61 is amended by adding before the period: ''unless the President announced his intent to nominate the individual prior to November 30, 1997''.

SEC. 632. Transfers of Unobligated Highway Apportionments. (a) IN GENERAL.—Notwithstanding any other provision of law, for fiscal year 1998, a State may transfer any funds apportioned to the State for any program under section 104 (including amounts apportioned under section 104(b)(3) or set aside or suballocated under section 133(d)), 144, or 402 of title 23, United States Code, granted to the State for any program under section 410 of that title, or allocated to the State for any program under chapter 311 of title 49, United States Code, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to the surface transportation program under section 133 of title 23, United States Code, other than paragraphs (1) and (2) of section 133(d) of that title, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary of Transportation (referred to in this section as the ''Secretary'') shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are no longer authorized may be restored to the Federal-aid highway program.

(d) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—The Secretary shall allocate to a State an amount of obligation authority made available under the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105–66; 111 Stat. 1425), that is not greater than 75 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program until the earlier of—

(A) such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted; or

(B) July 1, 1998.

(2) CONTRACT AUTHORITY.—No contract authority made available to the States before July 1, 1998, shall be obligated after that date until such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted.

(e) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

SEC. 633. ADMINISTRATIVE EXPENSES FOR FEDERAL-AID HIGHWAY PROGRAM AND BUREAU OF TRANSPORTATION STATISTICS. (a) AUTHORITY TO BORROW.—

(1) FROM UNOBLIGATED FUNDS AVAILABLE FOR DISCRETIONARY ALLOCATIONS.—If unobligated balances of funds deducted by the Secretary of Transportation (referred to in this section as the ''Secretary'') under section 104(a) of title 23, United States Code, for administrative and research expenses of the Federal-aid highway program are insufficient to pay those expenses and the amounts necessary for operation of the Bureau of Transportation Statistics for fiscal year 1998, the Secretary may borrow to pay those expenses and amounts not to exceed $211,000,000 from unobligated funds available to the Secretary for discretionary allocations.

(2) FROM CERTAIN UNOBLIGATED BALANCES.—If unobligated funds available to the Secretary for discretionary allocations are insufficient for the purposes described in paragraph (1), the Secretary may borrow for those purposes not to exceed $211,000,000 from the unobligated balances of funds apportioned or allocated to the States for the Federal-aid highway program.

(b) REQUIREMENT TO REIMBURSE.—Funds borrowed under subsection (a) shall be reimbursed from amounts made available to the Secretary under section 104(a) of title 23, United States Code, as soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

SEC. 634. EXTENSION OF FEDERAL TRANSIT PROGRAMS. (a) Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087–2140) is amended by adding at the end the following:

''SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.

''(a) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting ', and for the period of October 1, 1997, through March 31, 1998' after '1997'.

''(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 5337 of title 49, United States Code, is amended—

''(1) in subsection (a), by inserting 'and for the period of October 1, 1997, through March 31, 1998,' after '1997,'; and

''(2) by adding at the end the following:

'''(e) SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).'.

''(c) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

''(1) in subsection (a)—

''(A) in paragraph (1), by adding at the end the following:

'''(F) $1,349,395,000 for the period of October 1, 1997, through March 31, 1998.'; and

''(B) in paragraph (2), by adding at the end the following:

'''(F) $369,000,000 for the period of October 1, 1997, through March 31, 1998.';

''(2) in subsection (b)(1), by adding at the end the following:

'''(F) $1,110,605,000 for the period of October 1, 1997, through March 31, 1998.';

''(3) in subsection (c), by inserting 'and not more than $1,500,000 for the period of October 1, 1997, through March 31, 1998,' after '1997,';

''(4) in subsection (e), by inserting 'and not more than $3,000,000 is available from the Fund (except the Account) for the Secretary for the period of October 1, 1997, through March 31, 1998,' after '1997,';

''(5) in subsection (h)(3), by inserting 'and $3,000,000 is available for section 5317 for the period of October 1, 1997, through March 31, 1998' after '1997';

''(6) in subsection (j)(5)—

''(A) in subparagraph (B), by striking 'and' at the end;

''(B) in subparagraph (C), by striking the period at the end and inserting '; and'; and

''(C) by adding at the end the following:

'''(D) the lesser of $1,500,000 or an amount that the Secretary determines is necessary is available to carry out section 5318 for the period of October 1, 1997, through March 31, 1998.';

''(7) in subsection (k), by striking 'or (e)' and inserting '(e), or (m)'; and

''(8) by adding at the end the following:

'''(m) SECTION 5316 FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period of October 1, 1997, through March 31, 1998:

'''(1) $125,000 to carry out section 5316(a).

'''(2) $1,500,000 to carry out section 5316(b).

'''(3) $500,000 to carry out section 5316(c).

'''(4) $500,000 to carry out section 5316(d).

'''(5) $500,000 to carry out section 5316(e).'.''.

(b) BUDGET SCOREKEEPING.—For purposes of the Congressional Budget Act of 1974, as amended, the Balanced Budget and Emergency Deficit Control Act, as amended, and the Budget Enforcement Act of 1997, as amounts provided or otherwise made available in this section shall be treated as ''direct spending'' in an authorization Act.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

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

TITLE VIII—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

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

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

DIVISION C—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $683,000,000 to remain available until September 30, 2001: 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 such sums shall remain available until 2013 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1998 and 1999: Provided further, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $48,614,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1998.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $32,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $60,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: 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 such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1998 and 1999: Provided further, That such sums shall remain available through fiscal year 2006 for the disbursement of direct and guaranteed loans obligated in fiscal year 1998, and through fiscal year 2007 for the disbursement of direct and guaranteed loans obligated in fiscal year 1999: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $41,500,000, to remain available until September 30, 1999: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 1999, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1998, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $650,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; (7) up to $98,000,000 for basic education programs for children; and (8) a contribution on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of the Foreign Assistance Act of 1961.

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,210,000,000, to remain available until September 30, 1999: Provided, That of the amount appropriated under this heading, up to $22,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that Agency: Provided further, That of the amount appropriated under this heading, up to $14,000,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information

about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, not to exceed $2,500,000 shall be transferred to ''International Organizations and Programs'' for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That none of the funds made available under this heading may be used for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES).

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the ''Foreign Assistance and Related Programs Appropriations Act, 1985'' (as enacted in Public Law 98–473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

CYPRUS

Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $5,000,000 shall be made available to support activities in Burma, along the Burma-Thailand border, and for activities of Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CAMBODIA

None of the funds appropriated in this Act may be made available for the Government of Cambodia: Provided, That the restrictions under this heading shall not apply to humanitarian, demining or election-related programs or activities: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That 30 days after enactment of this Act, the President shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $190,000,000, to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961; of modifying concessional loans extended to least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended; and of modifying any obligation, or portion of such obligation for Latin American countries to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501); $27,000,000, to remain available until expended: Provided, That not to exceed $1,500,000 of such funds may be used for implementation of improvements in the foreign credit reporting system of the United States government.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 1999.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, including the cost of guaranteed loans designed to promote the urban and environmental policies and objectives of part I of such Act, $3,000,000, to remain available until September 30, 1999: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $6,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Central and Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the ''Foreign Service Retirement and Disability Fund'', as authorized by the Foreign Service Act of 1980, $44,208,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $473,000,000: Provided, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $29,047,000, to remain available until September 30, 1999, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,400,000,000, to remain available until September 30, 1999: Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for Jordan: Provided further, That of the funds made available under this heading in previous Acts making appropriations for foreign operations, export financing, and related programs, notwithstanding any provision in any

such heading in such previous Acts, up to $116,000,000 may be allocated or made available for programs and activities under this heading including the Middle East Peace and Stability Fund: Provided further, That in carrying out the previous proviso, the President should seek to ensure to the extent feasible that not more than 1 percent of the amount specified in section 586 of this Act should be derived from funds that would otherwise be made available for any single country: Provided further, That funds provided for the Middle East Peace and Stability Fund by a country in the region under the authority of section 635(d) of the Foreign Assistance Act of 1961, and funds made available for Jordan following the date of enactment of this Act from previous Acts making appropriations for foreign operations, export financing, and related programs, shall count toward meeting the earmark contained in the fourth proviso under this heading: Provided further, That up to $10,000,000 of funds under this heading in previous foreign operations, export financing, and related programs appropriations Acts that were reprogrammed for Jordan during fiscal year 1997 shall also count toward such earmark: Provided further, That, in order to facilitate the implementation of the fourth proviso under this heading, the requirement of section 515 of this Act or any similar provision of law shall not apply to the making available of funds appropriated for a fiscal year for programs, projects, or activities that were justified for another fiscal year: Provided further, That for fiscal year 1998 such portions of the notification required under section 653 of the Foreign Assistance Act of 1961 that relate to the Middle East may be submitted to the Congress as soon as practicable, but no later than March 1, 1998: Provided further, That during fiscal year 1998, of the local currencies generated from funds made available under this heading for Guatemala by this Act and prior Appropriations Acts, the United States and Guatemala may jointly program the Guatemala quetzales equivalent of a total of up to $10,000,000 for the purpose of retiring the debt owed by universities in Guatemala to the Inter-American Development Bank.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 1999.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $485,000,000, to remain available until September 30, 1999, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 532 of this Act shall apply.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

(g) Not to exceed $200,000,000 of the funds appropriated under this heading may be made available for Bosnia and Herzegovina exclusive of assistance for police training.

(h) Not to exceed $7,000,000 of the funds made available for Bosnia and Herzegovina may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees for said country.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $770,000,000, to remain available until September 30, 1999: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be made available to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment;

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures; and

(3) funds may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(c) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian and refugee relief.

(d) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining, or nonproliferation programs.

(e) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(f) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(g) Funds appropriated under title II of this Act, including funds appropriated under this heading, may be made available for assistance for Mongolia: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under this heading or in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(i) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program proposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(j)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of Russia, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Notwithstanding paragraph (1) assistance may be provided for the Government of Russia if the President determines and certifies to the Committees on Appropriations that making such funds available (A) is vital to the national security interest of the United States, and (B) that the Government of Russia is taking meaningful steps to limit major supply contracts and to curtail the transfer of technology and technological expertise related to activities referred to in paragraph (1).

(k) Of the funds appropriated under this heading, not less than $225,000,000 shall be made available for Ukraine, which sum shall be provided with the understanding that Ukraine will

undertake significant economic reforms which are additional to those which were undertaken in the previous fiscal year: Provided, That 50 percent of the amount made available in this subsection, exclusive of funds made available for election related initiatives and nuclear reactor safety activities, shall be withheld from obligation and expenditure until the Secretary of State determines and certifies no later than April 30, 1998, that the Government of Ukraine has made significant progress toward resolving complaints made by United States investors to the United States embassy prior to April 30, 1997: Provided further, That funds made available under this subsection, and funds appropriated for Ukraine in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 as contained in Public Law 104–208 shall be made available to complete the preparation of safety analysis reports at each nuclear reactor in Ukraine over the next three years.

(l) Of the funds appropriated under this heading, not less than $250,000,000 shall be made available for assistance for the Southern Caucasus region: Provided, That of the funds provided under this subsection 37 percent shall be made available for Georgia and 35 percent shall be made available for Armenia: Provided further, That of the funds made available for the Southern Caucasus region, 28 percent should be used for reconstruction and remedial activities relating to the consequences of conflicts within the region, especially those in the vicinity of Abkhazia and Nagorno-Karabakh: Provided further, That if the Secretary of State after May 30, 1998, determines and reports to the relevant Committees of Congress that the full amount of reconstruction and remedial funds that may be made available under the previous proviso cannot be effectively utilized, up to 62.5 percent of the amount provided under the previous proviso for reconstruction and remediation may be used for other purposes under this heading.

(m) Funds provided under the previous subsection shall be made available for humanitarian assistance for refugees, displaced persons, and needy civilians affected by the conflicts in the Southern Caucasus region, including those in the vicinity of Abkhazia and Nagorno-Karabakh, notwithstanding any other provision of this or any other Act.

(n) Funds made available under this Act or any other Act may not be provided for assistance to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh: Provided, That the restriction of this subsection and section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421); and

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity.

(o) None of the funds appropriated under this heading or in prior appropriations legislation may be made available to establish a joint public-private entity or organization engaged in the management of activities or projects supported by the Defense Enterprise Fund.

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $222,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1999.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $215,000,000: Provided, That during fiscal year 1998, the Department of State may also use the authority of section 608 of the Act, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That not later than sixty days after the date of enactment of this Act, the Secretary of State in consultation with the Director of the Office of National Drug Control Policy shall submit a report to the Committees on Appropriations containing: (1) a list of all countries in which the United States carries out international counter-narcotics activities; (2) the number, mission and agency affiliation of United States personnel assigned to each such country; and (3) all costs and expenses obligated for each program, project or activity by each United States agency in each country: Provided further, That of the amount made available under this heading not to exceed $5,000,000 shall be allocated to operate the Western Hemisphere International Law Enforcement Academy: Provided further, That 10 percent of the funds appropriated under this heading shall not be available for obligation until the Secretary of State submits a report to the Committees on Appropriations providing a financial plan for the funds appropriated under this heading and under the heading ''Narcotics Interdiction''.

NARCOTICS INTERDICTION

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $15,000,000, to remain available until expended, in addition to amounts otherwise available for such purposes, which shall be available for assistance, including procurement, for support of air drug interdiction and eradication and other related purposes: Provided, That funds appropriated under this heading shall be made available subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $650,000,000: Provided, That not more than $12,000,000 shall be available for administrative expenses: Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

REFUGEE RESETTLEMENT ASSISTANCE

For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $5,000,000.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $133,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO): Provided, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That not to exceed $30,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: Provided further, That such funds may be obligated to KEDO only if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that: (1)(A) the parties to the Agreed Framework are taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with the other provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors and that such canning and safe storage is scheduled to be completed by April 1, 1998; and (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended: Provided further, That the President may waive the certification requirements of the preceding proviso if the President determines that it is vital to the national security interests of the United States: Provided further, That no funds may be obligated for KEDO until thirty calendar days after submission to Congress of the waiver permitted under the preceding proviso: Provided further, That the obligation of

any funds for KEDO shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of the Korean Peninsula Energy Development Organization, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities: Provided further, That of the funds made available under this heading, up to $10,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO), in addition to funds otherwise made available under this heading for KEDO, if the Secretary of State certifies and reports to the Committees on Appropriations that, except for the funds made available under this proviso, funds sufficient to cover all outstanding debts owed by KEDO for heavy fuel oil have been provided to KEDO by donors other than the United States.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading may be made available to support grant financed military education and training at the School of the Americas unless: (1) the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel; (2) the Secretary of Defense certifies that the Secretary of State, in consultation with the Secretary of Defense, has developed and issued specific guidelines governing the selection and screening of candidates for instruction at the School of the Americas; and (3) the Secretary of Defense submits to the Committees on Appropriations a report detailing the training activities of the School of the Americas and a general assessment regarding the performance of its graduates during 1996.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,296,550,000: Provided, That of the funds appropriated under this heading, not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 shall be available for assistance for Jordan: Provided further, That during fiscal year 1998 the President is authorized to, and shall, direct drawdowns of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $25,000,000 under the authority of this proviso for Jordan for the purposes of part II of the Foreign Assistance Act of 1961, and any amount so directed shall count toward meeting the earmark in the previous proviso: Provided further, That section 506(c) of the Foreign Assistance Act of 1961 shall apply, and section 632(d) of the Foreign Assistance Act of 1961 shall not apply, to any such drawdown: Provided further, That of the funds appropriated by this paragraph, a total of $18,300,000 should be available for assistance for Estonia, Latvia, and Lithuania: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That $50,000,000 of the funds appropriated or otherwise made available under this heading should be made available for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $60,000,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $657,000,000: Provided further, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: Provided further, That funds appropriated under this paragraph shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $105,000,000 only for Greece and $150,000,000 only for Turkey.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $23,250,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That none of the funds under this heading shall be available for Guatemala: Provided further, That not more than $350,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1998 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $77,500,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $47,500,000, to remain available until September 30, 1999.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,034,503,100, to remain available until expended, of which $234,503,100 shall be available to pay for the tenth replenishment: Provided, That none of the funds may be obligated or made available until the Secretary of the Treasury certifies to the Committees on Appropriations that procurement restrictions applicable to United States firms under the terms of the Interim Trust Fund have been lifted from all funds which Interim Trust Fund donors proposed to set aside for review of procurement restrictions at the conclusion of the February 1997 IDA Deputies Meeting in Paris.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667, and for the United States share of the increase

in the resources of the Fund for Special Operations, $20,835,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $30,000,000 to remain available until expended, which shall be available for contributions previously due.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $150,000,000, of which $50,000,000 shall be available for contributions previously due, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $45,000,000, to remain available until expended and which shall be available for contributions previously due.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $56,500,000, to remain available until expended of which $250,000 shall be available for contributions previously due: Provided, That none of the funds appropriated under this heading that are made available for the Community Adjustment and Investment Program shall be used for purposes other than those set out in the binational agreement establishing the Bank: Provided further, That of the amount appropriated under this heading, not more than $41,250,000 may be expended for the purchase of such capital shares in fiscal year 1998.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not to exceed $318,750,000.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $192,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $25,000,000 of the funds appropriated under this heading may be made available to UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1998, and that no later than February 15, 1998, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1998: Provided further, That any amount UNFPA plans to spend in the People's Republic of China in 1998 shall be deducted from the amount of funds provided to UNFPA after March 1, 1998, pursuant to the previous provisos: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA): Provided further, That not less than $4,000,000 should be made available to the World Food Program.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled ''International Disaster Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund'', not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, as amended, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'') pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1998, whichever is later, and for the same general purpose, and

for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1998.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua and Liberia, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for ''Child Survival and Disease Programs Fund'', ''Development Assistance'', ''International organizations and programs'', ''Trade and Development Agency'', ''International narcotics control'', ''Narcotics interdiction'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the New Independent States of the Former Soviet Union'', ''Economic Support Fund'', ''Peacekeeping operations'', ''Operating expenses of the Agency for International Development'', ''Operating expenses of the Agency for International Development Office of Inspector General'', ''Nonproliferation, anti-terrorism, demining and related programs'', ''Foreign Military Financing Program'', ''International military education and training'', ''Peace Corps'', ''Migration and refugee assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for ''International Organizations and Programs'' shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: Provided, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1999.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds

made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

REPORTING REQUIREMENT

SEC. 519. Section 25 of the Arms Export Control Act is amended—

(1) in subsection (a), by striking ''Congress'' and inserting in lieu thereof ''appropriate congressional committees'';

(2) in subsection (b), by striking ''the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives'' and inserting in lieu thereof ''any of the congressional committees described in subsection (e)''; and

(3) by adding the following subsection:

''(e) As used in this section, the term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.''.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, Haiti, Liberia, Pakistan, Panama, Peru, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, ''program, project, and activity'' shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development ''program, project, and activity'' shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, basic education, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival, and basic education activities, and activities relating to research on, and the treatment and control of acquired immune deficiency syndrome in developing countries: Provided, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out ''1997'' and inserting in lieu thereof ''1998''.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 530. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be

agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading ''Sub-Saharan Africa, Development Assistance'' as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 535. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

EXTENSION OF AUTHORITY TO OBLIGATE FUNDS TO CLOSE THE SPECIAL DEFENSE ACQUISITION FUND

SEC. 536. Title III of Public Law 103–306 is amended under the heading ''Special Defense Acquisition Fund'' by striking ''1998'' and inserting ''2000''.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 537. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 538. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 539. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia and Herzegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 540. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing; and

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 541. (a) Of the funds appropriated or otherwise made available by this Act for ''Economic Support Fund'', assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be

conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a) for Bolivia, Colombia, and Peru may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 542. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 and 11 of part I, and chapter 4 of part II, of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1998, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 543. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 544. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 545. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: Provided, That not to exceed $500,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 546. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) 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.

(c) 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 (b) by the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 547. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 548. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, 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 pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 549. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 550. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance estimated to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 551. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 552. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 553. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $25,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That sixty days after the date

of enactment of this Act, and every one hundred eighty days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

LANDMINES

SEC. 554. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That not later than 90 days after the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit a report to the Committees on Appropriations describing potential alternative technologies or tactics and a plan for the development of such alternatives to protect anti-tank mines from tampering in a manner consistent with the ''Convention on the Prohibition, Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction''.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 555. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 556. None of the funds appropriated or otherwise made available by this Act under the heading ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

EQUITABLE ALLOCATION OF FUNDS

SEC. 557. Not more than 18 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 558. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act;

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 559. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt restructuring''.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 560. (a) AUTHORIZATIONS.—The Secretary of the Treasury may, to fulfill commitments of the United States: (1) effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) $285,772,500 for paid-in capital, and $984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) $1,600,000,000 for the International Development Association; (3) $400,000,000 for the Asian Development Fund; and (4) $76,832,001 for paid-in capital, and $4,511,156,729 for callable capital of the Inter-American Development Bank in connection with the eighth general increase in the

resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.

(b) CONSIDERATION OF ENVIRONMENTAL IMPACT OF INTERNATIONAL FINANCE CORPORATION LOANS.—Section 1307 of the International Financial Institutions Act (Public Law 95–118) is amended as follows:

(1) in subsection (a)(1)(A) strike ''borrowing country'' and insert in lieu thereof ''borrower'';

(2) in subsection (a)(2)(A) strike ''country''; and

(3) at the end of Section 1307, add a new subsection as follows:

''(g) For purposes of this section, the term 'multilateral development bank' means any of the institutions named in Section 1303(b) of this Act, and the International Finance Corporation.''.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to use the voice and vote of the United States to strongly encourage their respective institutions to—

(1) provide timely public information on procurement opportunities available to United States suppliers, with a special emphasis on small business; and

(2) systematically consult with local communities on the potential impact of loans as part of the normal lending process, and expand the participation of affected peoples and nongovernmental organizations in decisions on the selection, design and implementation of policies and projects.

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

SEC. 561. (a) BILATERAL ASSISTANCE.—The President is authorized to withhold funds appropriated by this Act under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which knowingly grants sanctuary to persons in its territory for the purpose of evading prosecution, where such persons—

(1) have been indicted by the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law; or

(2) have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government; or

(D) any government which was an ally of the Nazi government of Germany.

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 562. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Haiti unless the President reports to Congress that the Government of Haiti—

(1) is conducting thorough investigations of extrajudicial and political killings;

(2) is cooperating with United States authorities in the investigations of political and extrajudicial killings;

(3) has substantially completed privatization of (or placed under long-term private management or concession) at least three major public enterprises; and

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights.

(b) EXCEPTIONS.—The limitation in subsection (a) does not apply to the provision of humanitarian, electoral, counter-narcotics, or law enforcement assistance.

(c) WAIVER.—The President may waive the requirements of this section on a semiannual basis if the President determines and certifies to the appropriate committees of Congress that such waiver is in the national interest of the United States.

(d) PARASTATALS DEFINED.—As used in this section, the term ''parastatal'' means a government-owned enterprise.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 563. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1997.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term ''United States assistance'' has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 564. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term ''United States person'' refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

ASSISTANCE TO TURKEY

SEC. 565. (a) Not more than $40,000,000 of the funds appropriated in this Act under the heading ''Economic Support Fund'' may be made available for Turkey.

(b) Of the funds made available under the heading ''Economic Support Fund'' for Turkey, not less than fifty percent of these funds shall be made available for the purpose of supporting private nongovernmental organizations engaged in strengthening democratic institutions in Turkey, providing economic assistance for individuals and communities affected by civil unrest, and supporting and promoting peaceful solutions and economic development which will contribute to the settlement of regional problems in Turkey.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 566. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF CROATIA

SEC. 567. None of the funds appropriated or otherwise made available by title II of this Act may be made available to the Government of Croatia to relocate the remains of Croatian Ustashe soldiers, at the site of the World War II concentration camp at Jasenovac, Croatia.

BURMA LABOR REPORT

SEC. 568. Not later than one hundred twenty days after enactment of this Act, the Secretary of Labor in consultation with the Secretary of State shall provide to the Committees on Appropriations a report addressing labor practices in Burma.

HAITI

SEC. 569. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 570. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 571. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the United States expects that the items will not be used in East Timor: Provided, That nothing in this section shall be construed to limit Indonesia's inherent right to legitimate national self-defense as recognized under the United Nations Charter and international law.

TRANSPARENCY OF BUDGETS

SEC. 572. Section 576(a)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in

Public Law 104–208, is amended to read as follows:

''(1) does not have in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces and security forces;''.

Section 576(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended to read as follows:

''(2) has not provided to the institution information about the audit process requested by the institution.''.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 573. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or canton described in subsection (d).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (d).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (d), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the U.S. position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term ''international financial institution'' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or canton and a nonsanctioned contiguous country, entity, or canton, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or canton and if the portion of the project located in the sanctioned country, entity, or canton is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by U.S. armed forces that promote good relations between such forces and the officials and citizens of the areas in the U.S. SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement; or

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity.

(2) FURTHER LIMITATIONS.—Notwithstanding paragraph (1)—

(A) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or canton described in subsection (d), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(B) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or canton described in subsection (d) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(d) SANCTIONED COUNTRY, ENTITY, OR CANTON.—A sanctioned country, entity, or canton described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(e) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or canton upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committeee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (e)(1), the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(f) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or canton have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(g) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term ''country'' means Bosnia-Herzegovina, Croatia, and Serbia-Montenegro (Federal Republic of Yugoslavia).

(2) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina and the Republika Srpska.

(3) CANTON.—The term ''canton'' means the administrative units in Bosnia and Herzegovina.

(4) DAYTON AGREEMENT.—The term ''Dayton Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(5) TRIBUNAL.—The term ''Tribunal'' means the International Criminal Tribunal for the Former Yugoslavia.

(h) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this subsection, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefitting from any financial or technical assistance or grants provided to any country or entity described in subsection (d).

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

SEC. 574. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 1997'' and inserting ''1997, and 1998''; and

(B) in subsection (e), by striking ''October 1, 1997'' each place it appears and inserting ''October 1, 1998''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''September 30, 1997'' and inserting ''September 30, 1998''.

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 575. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: ''and $60,000,000 for fiscal year 1998''.

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: ''Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.''.

DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES

SEC. 576. Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: '', including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.''.

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT IMPLEMENT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 577. (a) None of the funds appropriated under this Act may be made available for the Government of the Russian Federation unless within 30 days of the date this section becomes effective the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

(b) This section shall become effective one hundred fifty days after the enactment of this Act.

U.S. POLICY REGARDING SUPPORT FOR COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

SEC. 578. (a) FINDINGS.—Congress makes the following findings:

(1) The ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political and economic ties between countries of the South Caucasus and Central Asia and the West will foster stability in the region.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asia will provide positive incentives for international private investment, increased trade, and other forms of commercial interactions with the rest of the world.

(5) The Caspian Sea Basin, overlapping the territory of the countries of the South Caucasus and Central Asia, contains proven oil and gas reserves that may exceed $4,000,000,000,000 in value.

(6) The region of the South Caucasus and Central Asia will produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence of the countries of the South Caucasus and Central Asia.

(b) GENERAL.—The policy of the United States in the countries of the South Caucasus and Central Asia should be—

(1) to promote sovereignty and independence with democratic government;

(2) to assist actively in the resolution of regional conflicts;

(3) to promote friendly relations and economic cooperation;

(4) to help promote market-oriented principles and practices;

(5) to assist in the development of infrastructure necessary for communications, transportation, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(6) to support United States business interests and investments in the region.

(c) DEFINITION.—In this section, the term ''countries of the South Caucasus and Central Asia'' means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

PAKISTAN

SEC. 579. (a) OPIC.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting '', or Pakistan'' after ''China''.

(b) TRADE AND DEVELOPMENT.—It is the sense of Congress that the Director of the Trade and Development Agency should use funds made available to carry out the provisions of section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to promote United States exports to Pakistan.

REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS

SEC. 580. The President shall provide to the Congress a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international, for fiscal year 1997, planned obligations for such activities in fiscal year 1998, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than November 15, 1997.

AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING

SEC. 581. (a) IN GENERAL.—Section 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) by striking paragraphs (1) and (2)(A) and inserting the following:

''(1) INSURANCE AND FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234 (b) and (c), shall not exceed in the aggregate $29,000,000,000.'';

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by amending paragraph (2) (as so redesignated) by striking ''September 30, 1997'' and inserting ''September 30, 1999''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 235(a) of that Act (22 U.S.C. 2195(a)), as redesignated by subsection (a), is further amended by striking ''(a) and (b)'' and inserting ''(a), (b), and (c)''.

(c) EXTENSION OF AUTHORITY.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking ''October 23, 1997'' and inserting ''September 30, 1998''.

(d) TIED AID CREDIT FUND AUTHORITY.—

(a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i 3(c)(2)) is amended by striking ''through'' and all that follows through ''1997''.

(b) Section 10(e) of such Act (12 U.S.C. 635i–3(3)) is amended by striking the first sentence and inserting the following: ''There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the purposes of this section.''.

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 582. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

(c) WAIVER.—Funds may be provided for a country without regard to subsection (a) if the President determines that to do so is in the national security interest of the United States.

WAR CRIMES PROSECUTION

SEC. 583. Section 2401 of title 18, United States Code (Public Law 104–192; the War Crimes Act of 1996) is amended as follows—

(1) in subsection (a), by striking ''grave breach of the Geneva Conventions'' and inserting ''war crime'';

(2) in subsection (b), by striking ''breach'' each place it appears and inserting ''war crime''; and

(3) so that subsection (c) reads as follows:

''(c) DEFINITION.—As used in this section the term 'war crime' means any conduct—

''(1) defined as a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party;

''(2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907;

''(3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party and which deals with non-international armed conflict; or

''(4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians.''.

INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAMS FOR LATIN AMERICA

SEC. 584. (a) EXPANDED IMET.—The Secretary of Defense, in consultation with the Secretary of State, should make every effort to ensure that approximately 30 percent of the funds appropriated in this Act for ''International Military Education and Training'' for the cost of Latin American participants in IMET programs will be disbursed for the purpose of supporting enrollment of such participants in expanded IMET courses.

(b) CIVILIAN PARTICIPATION.—The Secretary of State, in consultation with the Secretary of Defense, should identify sufficient numbers of qualified, non-military personnel from countries in Latin America so that approximately 25 percent of the total number of individuals from Latin American countries attending United States supported IMET programs and the Center for Hemispheric Defense Studies at the National Defense University are civilians.

(c) REPORT.—Not later than twelve months after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall report in writing to the appropriate committees of the Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next three fiscal years.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 585. None of the funds appropriated or otherwise made available by this Act may be provided to the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Congress that the central Government of the Democratic Republic of Congo is cooperating fully with investigators from the United Nations in accounting for human rights violations committed in the

Democratic Republic of Congo or adjacent countries.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 586. Of the funds appropriated by this Act under the headings ''Economic Support Fund'', ''Foreign Military Financing'', ''International Military Education and Training'', ''Peacekeeping Operations'', for refugees resettling in Israel under the heading ''Migration and Refugee Assistance'', and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading ''Nonproliferation, Anti-Terrorism, Demining, and Related Programs'', not more than a total of $5,402,850,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: Provided, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of enactment of this Act obligated or allocated for other recipients may not during fiscal year 1998 be made available for activities that, if funded under this Act, would be required to count against this ceiling: Provided further, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

AGRICULTURE

SEC. 587. The first proviso of subsection (k) under the heading ''Assistance for the New Independent States of the Former Soviet Union'' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended by striking ''not less than'' and inserting in lieu thereof ''up to''.

ENTERPRISE FUND RESTRICTIONS

SEC. 588. Section 201(l) of the Support for East European Democracy Act (22 U.S.C. 5421(l)) is amended to read as follows:

''(l) LIMITATION ON PAYMENTS TO ENTERPRISE FUND PERSONNEL.—

''(1) No part of the funds of an Enterprise Fund shall inure to the benefit of any board member, officer, or employee of such Enterprise Fund, except as salary or reasonable compensation for services subject to paragraph (2).

''(2) An Enterprise Fund shall not pay compensation for services to—

''(A) any board member of the Enterprise Fund, except for services as a board member; or

''(B) any firm, association, or entity in which a board member of the Enterprise Fund serves as partner, director, officer, or employee.

''(3) Nothing in paragraph (2) shall preclude payment for services performed before the date of enactment of this subsection nor for arrangements approved by the grantor and notified in writing to the Committees on Appropriations.''.

CAMBODIA

SEC. 589. The Secretary of the Treasury should instruct the United States Executive Directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 590. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1998 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

SEC. 591. For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees in support of the development objectives of the Foreign Assistance Act of 1961 (FAA), up to $7,500,000, which amount may be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and funds appropriated by this Act under the heading ''Assistance for Eastern Europe and the Baltic States'', to remain available until expended: Provided, That up to $500,000 of the funds appropriated by this Act under the heading ''Operating Expenses of the Agency for International Development'' may be made available for administrative expenses to carry out such programs: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to development credit authority) of the Foreign Assistance Act of 1961, as added by section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this paragraph: Provided further, That direct loans or loan guarantees under this paragraph may not be provided until the Director of the Office of Management and Budget has certified to the Committees on Appropriations that the Agency for International Development has established a credit management system capable of effectively managing the credit programs funded under this heading, including that such system (1) can provide accurate and timely provision of loan and loan guarantee data, (2) contains information control systems for loan and loan guarantee data, (3) is adequately staffed, and (4) contains appropriate review and monitoring procedures.

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION OVERSEAS

SEC. 592. (a) PERFORMANCE OF ABORTIONS.—(1) Notwithstanding section 614 of the Foreign Assistance Act of 1961 or any other provision of law, no funds appropriated to the Agency for International Development for population planning activities or other population assistance for fiscal years 1998 and 1999 may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

(2) Paragraph (1) of this subsection may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

(b) LOBBYING ACTIVITIES.—(1) Notwithstanding section 614 of the Foreign Assistance Act of 1961 or any other provision of law, no funds appropriated to the Agency for International Development for population planning activities or other population assistance for fiscal years 1998 and 1999 may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

(2) Paragraph (1) of this subsection shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

(c) APPLICATION TO FOREIGN ORGANIZATIONS.—The restrictions in this section apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required in subsections (a) and (b) apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.

(d) For each of fiscal years 1998 and 1999, the President may waive the restrictions in subsections (a) and (b): Provided, That if the President waives the restriction in either subsection (a) or (b), not to exceed $410,000,000 may be made available for population planning activities or other population assistance: Provide further, That if the President waives the restrictions in both subsections (a) and (b), not to exceed $385,000,000 may be made available for population planning activities or other population assistance.

INTERNATIONAL MONETARY PROGRAMS

LOANS TO INTERNATIONAL MONETARY FUND

SEC. 593. For loans to the International Monetary Fund under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98–181), and the Act of October 23, 1962 (Public Law 87–872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow.

Section 17 of the Bretton Woods Agreements Act, as amended (22 U.S.C. 286e–2 et seq.) is amended as follows—

(1) Section 17(a) is amended by striking ''and February 24, 1983'' and inserting instead ''February 24, 1983, and January 27, 1997''; and by striking ''4,250,000,000'' and inserting instead ''6,712,000,000''.

(2) Section 17(b) is amended by striking ''4,250,000,000'' and inserting instead ''6,712,000,000''.

(3) Section 17(d) is amended by inserting ''or the Decision of January 27, 1997,'' after ''February 24, 1983,''; and by inserting ''or the New Arrangements to Borrow, as applicable'' before the period at the end.

This division may be cited as the ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998''.

DIVISION D—FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Foreign Affairs Reform and Restructuring Act of 1997''.

SEC. 1002. ORGANIZATION OF DIVISION INTO SUBDIVISIONS; TABLE OF CONTENTS.

(a) SUBDIVISIONS.—This division is organized into three subdivisions as follows:

(1) SUBDIVISION 1.—Foreign Affairs Agencies Consolidation Act of 1997.

(2) SUBDIVISION 2.—Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

(3) SUBDIVISION 3.—United Nations Reform Act of 1997.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1001. Short title.
Sec. 1002. Organization of division into subdivisions; table of contents.

SUBDIVISION 1—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE XI—GENERAL PROVISIONS

Sec. 1101. Short title.
Sec. 1102. Purposes.
Sec. 1103. Definitions.
Sec. 1104. Report on budgetary cost savings resulting from reorganization.

TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1201. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 1212. Transfer of functions to Secretary of State.
Sec. 1213. Under Secretary for Arms Control and International Security.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 1221. References.
Sec. 1222. Repeals.
Sec. 1223. Amendments to the Arms Control and Disarmament Act.
Sec. 1224. Compensation of officers.
Sec. 1225. Additional conforming amendments.

TITLE XIII—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1301. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1311. Abolition of United States Information Agency.
Sec. 1312. Transfer of functions.
Sec. 1313. Under Secretary of State for Public Diplomacy.
Sec. 1314. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.

CHAPTER 3—INTERNATIONAL BROADCASTING

Sec. 1321. Congressional findings and declaration of purpose.
Sec. 1322. Continued existence of Broadcasting Board of Governors.
Sec. 1323. Conforming amendments to the United States International Broadcasting Act of 1994.
Sec. 1324. Amendments to the Radio Broadcasting to Cuba Act.
Sec. 1325. Amendments to the Television Broadcasting to Cuba Act.
Sec. 1326. Transfer of broadcasting related funds, property, and personnel.
Sec. 1327. Savings provisions.
Sec. 1328. Report on the privatization of RFE/RL, Incorporated.

CHAPTER 4—CONFORMING AMENDMENTS

Sec. 1331. References.
Sec. 1332. Amendments to title 5, United States Code.
Sec. 1333. Application of certain laws.
Sec. 1334. Abolition of United States Advisory Commission on Public Diplomacy.
Sec. 1335. Conforming amendments.
Sec. 1336. Repeals.

TITLE XIV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1401. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1411. Abolition of United States International Development Cooperation Agency.
Sec. 1412. Transfer of functions and authorities.
Sec. 1413. Status of AID.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 1421. References.
Sec. 1422. Conforming amendments.

TITLE XV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

Sec. 1501. Effective date.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

Sec. 1511. Reorganization of Agency for International Development.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

Sec. 1521. Definition of United States assistance.
Sec. 1522. Administrator of AID reporting to the Secretary of State.
Sec. 1523. Assistance programs coordination and oversight.

TITLE XVI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

Sec. 1601. Reorganization plan and report.

CHAPTER 2—REORGANIZATION AUTHORITY

Sec. 1611. Reorganization authority.
Sec. 1612. Transfer and allocation of appropriations.
Sec. 1613. Transfer, appointment, and assignment of personnel.
Sec. 1614. Incidental transfers.
Sec. 1615. Savings provisions.
Sec. 1616. Authority of Secretary of State to facilitate transition.
Sec. 1617. Final report.

SUBDIVISION 2—FOREIGN RELATIONS AUTHORIZATION

TITLE XX—GENERAL PROVISIONS

Sec. 2001. Short title.
Sec. 2002. Definition of appropriate congressional committees.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE

Sec. 2101. Administration of foreign affairs.
Sec. 2102. International commissions.
Sec. 2103. Grants to The Asia Foundation.

TITLE XXII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

Sec. 2201. Reimbursement of Department of State for assistance to overseas educational facilities.
Sec. 2202. Revision of Department of State rewards program.
Sec. 2203. Retention of additional defense trade controls registration fees.
Sec. 2204. Fees for commercial services.
Sec. 2205. Pilot program for foreign affairs reimbursement.
Sec. 2206. Fee for use of diplomatic reception rooms.
Sec. 2207. Accounting of collections in budget presentation documents.
Sec. 2208. Office of the Inspector General.
Sec. 2209. Capital Investment Fund.
Sec. 2210. Contracting for local guards services overseas.
Sec. 2211. Authority of the Foreign Claims Settlement Commission.
Sec. 2212. Expenses relating to certain international claims and proceedings.
Sec. 2213. Grants to remedy international abductions of children.
Sec. 2214. Counterdrug and anticrime activities of the Department of State.
Sec. 2215. Annual report on overseas surplus properties.
Sec. 2216. Human rights reports.
Sec. 2217. Reports and policy concerning diplomatic immunity.
Sec. 2218. Reaffirming United States international telecommunications policy.
Sec. 2219. Reduction of reporting.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

Sec. 2221. Use of certain passport processing fees for enhanced passport services.
Sec. 2222. Surcharge for processing certain machine readable visas.
Sec. 2223. Consular officers.
Sec. 2224. Repeal of outdated consular receipt requirements.
Sec. 2225. Elimination of duplicate Federal Register publication for travel advisories.
Sec. 2226. Denial of visas to confiscators of American property.
Sec. 2227. Inadmissibility of any alien supporting an international child abductor.
Sec. 2228. Haiti; exclusion of certain aliens; reporting requirements.

CHAPTER 3—REFUGEES AND MIGRATION

SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS

Sec. 2231. Migration and refugee assistance.

SUBCHAPTER B—AUTHORITIES

Sec. 2241. United States policy regarding the involuntary return of refugees.
Sec. 2242. United States policy with respect to the involuntary return of persons in danger of subjection to torture.
Sec. 2243. Reprogramming of migration and refugee assistance funds.
Sec. 2244. Eligibility for refugee status.
Sec. 2245. Reports to Congress concerning Cuban emigration policies.

TITLE XXIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

Sec. 2301. Coordinator for Counterterrorism.
Sec. 2302. Elimination of Deputy Assistant Secretary of State for Burdensharing.
Sec. 2303. Personnel management.
Sec. 2304. Diplomatic security.
Sec. 2305. Number of senior official positions authorized for the Department of State.
Sec. 2306. Nomination of Under Secretaries and Assistant Secretaries of State.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

Sec. 2311. Foreign Service reform.
Sec. 2312. Retirement benefits for involuntary separation.
Sec. 2313. Authority of Secretary to separate convicted felons from the Foreign Service.
Sec. 2314. Career counseling.
Sec. 2315. Limitations on management assignments.
Sec. 2316. Availability pay for certain criminal investigators within the Diplomatic Security Service.
Sec. 2317. Nonovertime differential pay.
Sec. 2318. Report concerning minorities and the Foreign Service.

TITLE XXIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Sec. 2401. International information activities and educational and cultural exchange programs.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

Sec. 2411. Retention of interest.
Sec. 2412. Use of selected program fees.
Sec. 2413. Muskie Fellowship Program.
Sec. 2414. Working Group on United States Government-Sponsored International Exchanges and Training.
Sec. 2415. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
Sec. 2416. United States-Japan Commission.
Sec. 2417. Surrogate broadcasting study.
Sec. 2418. Radio broadcasting to Iran in the Farsi language.
Sec. 2419. Authority to administer summer travel and work programs.
Sec. 2420. Permanent administrative authorities regarding appropriations.
Sec. 2421. Voice of America broadcasts.

TITLE XXV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS

Sec. 2501. International conferences and contingencies.
Sec. 2502. Restriction relating to United States accession to any new international criminal tribunal.

Sec. 2503. United States membership in the Bureau of the Interparliamentary Union.
Sec. 2504. Service in international organizations.
Sec. 2505. Reports regarding foreign travel.

TITLE XXVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Sec. 2601. Authorization of appropriations.
Sec. 2602. Statutory construction.

TITLE XXVII—EUROPEAN SECURITY ACT OF 1997

Sec. 2701. Short title.
Sec. 2702. Statement of policy.
Sec. 2703. Authorities relating to NATO enlargement.
Sec. 2704. Sense of Congress with respect to the Treaty on Conventional Armed Forces in Europe.
Sec. 2705. Restrictions and requirements relating to ballistic missile defense.

TITLE XXVIII—MISCELLANEOUS PROVISIONS

Sec. 2801. Report on relations with Vietnam.
Sec. 2802. Reports on determinations under title IV of the LIBERTAD Act.

SUBDIVISION 3—UNITED NATIONS REFORM

TITLE XXX—GENERAL PROVISIONS

Sec. 3001. Short title.
Sec. 3002. Definitions.
Sec. 3003. Nondelegation of certification requirements.

TITLE XXXI—AUTHORIZATION OF APPROPRIATIONS

Sec. 3101. Contributions to international organizations.
Sec. 3102. Contributions for international peacekeeping activities.

TITLE XXXII—UNITED NATIONS ACTIVITIES

Sec. 3201. United Nations policy on Israel and the Palestinians.
Sec. 3202. Data on costs incurred in support of United Nations peacekeeping operations.
Sec. 3203. Reimbursement for goods and services provided by the United States to the United Nations.
Sec. 3204. United States policy regarding United Nations peacekeeping operations.
Sec. 3205. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
Sec. 3206. Continued extension of privileges, exemptions, and immunities of the International Organizations Immunities Act to UNIDO.
Sec. 3207. Sense of the Congress regarding compliance with child and spousal support obligations by United Nations personnel.

TITLE XXXIII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS; OBLIGATION AND EXPENDITURE OF FUNDS

Sec. 3301. Authorization of appropriations.
Sec. 3302. Obligation and expenditure of funds.
Sec. 3303. Forgiveness of amounts owed by the United Nations to the United States.

SUBCHAPTER B—UNITED STATES SOVEREIGNTY

Sec. 3311. Certification requirements.

SUBCHAPTER C—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS

Sec. 3321. Certification requirements.

SUBCHAPTER D—BUDGET AND PERSONNEL REFORM

Sec. 3331. Certification requirements.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 3341. Statutory construction on relation to existing laws.
Sec. 3342. Prohibition on payments relating to UNIDO and other international organizations from which the United States has withdrawn or rescinded funding.

SUBDIVISION 1—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE XI—GENERAL PROVISIONS

SEC. 1101. SHORT TITLE.

This subdivision may be cited as the ''Foreign Affairs Agencies Consolidation Act of 1997''.

SEC. 1102. PURPOSES.

The purposes of this subdivision are—

(1) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—

(A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the special missions and skills of these agencies;

(B) transferring certain functions of the Agency for International Development to the Department of State; and

(C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of the Department of State;

(3) to ensure that programs critical to the promotion of United States national interests be maintained;

(4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government.

SEC. 1103. DEFINITIONS.

In this subdivision:

(1) ACDA.—The term ''ACDA'' means the United States Arms Control and Disarmament Agency.

(2) AID.—The term ''AID'' means the United States Agency for International Development.

(3) AGENCY; FEDERAL AGENCY.—The term ''agency'' or ''Federal agency'' means an Executive agency as defined in section 105 of title 5, United States Code.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(5) COVERED AGENCY.—The term ''covered agency'' means any of the following agencies: ACDA, USIA, IDCA, and AID.

(6) DEPARTMENT.—The term ''Department'' means the Department of State.

(7) FUNCTION.—The term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(8) IDCA.—The term ''IDCA'' means the United States International Development Cooperation Agency.

(9) OFFICE.—The term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of State.

(11) USIA.—The term ''USIA'' means the United States Information Agency.

SEC. 1104. REPORT ON BUDGETARY COST SAVINGS RESULTING FROM REORGANIZATION.

The Secretary of State shall submit a report, together with the congressional presentation document for the budget of the Department of State for each of the fiscal years 1999, 2000, and 2001, to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization implemented under this subdivision, including cost savings by each of the following categories:

(1) Reductions in personnel.

(2) Administrative consolidation, including procurement.

(3) Program consolidation.

(4) Consolidation of real properties and leases.

TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1201. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 1212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency, and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

SEC. 1213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651(b)) is amended—

(1) by striking ''There'' and inserting the following:

''(1) IN GENERAL.—There''; and

(2) by adding at the end the following:

''(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security, who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as advisor on arms control and nonproliferation matters.''.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 1221. REFERENCES.

Except as otherwise provided in section 1223 or 1225, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, the Director of the Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Secretary of State; or

(2) the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 1222. REPEALS.

The following sections of the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) are repealed: Sections 21 through 26 (22 U.S.C. 2561–2566), section 35 (22 U.S.C. 2575), section 42 (22 U.S.C. 2582), section 43 (22 U.S.C. 2583), sections 45 through 50 (22 U.S.C. 2585–2593), section 53 (22 U.S.C. 2593c), section 54 (22 U.S.C. 2593d), and section 63 (22 U.S.C. 2595b).

SEC. 1223. AMENDMENTS TO THE ARMS CONTROL AND DISARMAMENT ACT.

The Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is amended—

(1) in section 2 (22 U.S.C. 2551)—

(A) in the first undesignated paragraph, by striking ''creating a new agency of peace to deal with'' and inserting ''addressing'';

(B) by striking the second undesignated paragraph; and

(C) in the third undesignated paragraph—

(i) by striking ''This organization'' and inserting ''The Secretary of State'';

(ii) by striking ''It shall have'' and inserting ''The Secretary shall have'';

(iii) by striking ''and the Secretary of State'';

(iv) by inserting '', nonproliferation,'' after ''arms control'' in paragraph (1);

(v) by striking paragraph (2);

(vi) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(vii) by striking '', as appropriate,'' in paragraph (3) (as redesignated);

(2) in section 3 (22 U.S.C. 2552), by striking subsection (c);

*(3) in the heading for title II, by striking ''**ORGANIZATION**'' and inserting ''**SPECIAL REPRESENTATIVES AND VISITING SCHOLARS**'';*

(4) in section 27 (22 U.S.C. 2567)—

(A) by striking the third sentence;

(B) in the fourth sentence, by striking '', acting through the Director''; and

(C) in the fifth sentence, by striking ''Agency'' and inserting ''Department of State'';

(5) in section 28 (22 U.S.C. 2568)—

(A) by striking ''Director'' each place it appears and inserting ''Secretary of State'';

(B) in the second sentence—

(i) by striking ''Agency'' each place it appears and inserting ''Department of State''; and

(ii) by striking ''Agency's'' and inserting ''Department of State's''; and

(C) by striking the fourth sentence;

(6) in section 31 (22 U.S.C. 2571)—

(A) by inserting ''this title in'' after ''powers in'';

(B) by striking ''Director'' each place it appears and inserting ''Secretary of State'';

(C) by striking ''insure'' each place it appears and inserting ''ensure'';

(D) in the second sentence, by striking ''in accordance with procedures established under section 35 of this Act'';

(E) in the fourth sentence by striking ''The authority'' and all that follows through ''disarmament:'' and inserting the following: ''The authority of the Secretary under this Act with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:''; and

(F) in subsection (l), by inserting ''and'' at the end;

(7) in section 32 (22 U.S.C. 2572)—

(A) by striking ''Director'' and inserting ''Secretary of State''; and

(B) by striking ''subsection'' and inserting ''section'';

(8) in section 33(a) (22 U.S.C. 2573(a))—

(A) by striking ''the Secretary of State,''; and

(B) by striking ''Director'' and inserting ''Secretary of State'';

(9) in section 34 (22 U.S.C. 2574)—

(A) in subsection (a)—

(i) in the first sentence, by striking ''Director'' and inserting ''Secretary of State'';

(ii) in the first sentence, by striking ''and the Secretary of State'';

(iii) in the first sentence, by inserting '', nonproliferation,'' after ''in the fields of arms control'';

(iv) in the first sentence, by striking ''and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of the United States participation in international negotiations and implementation fora in the field of nonproliferation'';

(v) in the second sentence, by striking ''section 27'' and inserting ''section 201''; and

(vi) in the second sentence, by striking ''the'' after ''serve as'';

(B) by striking subsection (b);

(C) by redesignating subsection (c) as subsection (b); and

(D) in subsection (b) (as redesignated)—

(i) in the text above paragraph (1), by striking ''Director'' and inserting ''Secretary of State'';

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(10) in section 36 (22 U.S.C. 2576)—

(A) by striking ''Director'' each place it appears and inserting ''Secretary of State''; and

(B) by striking '', in accordance with the procedures established pursuant to section 35 of this Act,'';

(11) in section 37 (22 U.S.C. 2577)—

(A) by striking ''Director'' and ''Agency'' each place it appears and inserting ''Secretary of State'' or ''Department of State'', respectively; and

(B) by striking subsection (d);

(12) in section 38 (22 U.S.C. 2578)—

(A) by striking ''Director'' each place it appears and inserting ''Secretary of State''; and

(B) by striking subsection (c);

(13) in section 41 (22 U.S.C. 2581)—

(A) by striking ''In the performance of his functions, the Director'' and inserting ''In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this Act'';

(B) by striking ''Agency'', ''Agency's'', ''Director'', and ''Director's'' each place they appear and inserting ''Department of State'', ''Department of State's'', ''Secretary of State'', or ''Secretary of State's'', as appropriate;

(C) in subsection (a), by striking the sentence that begins ''It is the intent'';

(D) in subsection (b)—

(i) by striking ''appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities,'';

(ii) in paragraph (1), by striking ''exception'' and inserting ''subsection''; and

(iii) in paragraph (2)—

(I) by striking ''exception'' and inserting ''subsection''; and

(II) by striking ''ceiling'' and inserting ''positions allocated to carry out the purpose of this Act'';

(E) by striking subsection (g);

(F) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively;

(G) by amending subsection (f) to read as follows:

''(f) establish a scientific and policy advisory board to advise with and make recommendations to the Secretary of State on United States arms control, nonproliferation, and disarmament policy and activities. A majority of the board shall be composed of individuals who have a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who have distinguished themselves in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering. The members of the board may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;''; and

(H) in subsection (h) (as redesignated), by striking ''Deputy Director'' and inserting ''Under Secretary for Arms Control and International Security'';

(14) in section 44 (22 U.S.C. 2584)—

(A) by striking ''CONFLICT-OF-INTEREST AND'';

(B) by striking ''The members'' and all that follows through ''(5 U.S.C. 2263), or any other'' and inserting ''Members of advisory boards and consultants may serve as such without regard to any''; and

(C) by inserting at the end the following new sentence: ''This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.'';

(15) in section 51 (22 U.S.C. 2593a)—

(A) in subsection (a)—

(i) in paragraphs (1) and (3), by inserting '', nonproliferation,'' after ''arms control'' each place it appears;

(ii) by striking ''Director, in consultation with the Secretary of State,'' and inserting ''Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with'';

(iii) by striking ''the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence'' and inserting ''and the Chairman of the Joint Chiefs of Staff'';

(iv) by striking paragraphs (2) and (4); and

(v) by redesignating paragraphs (3), (5), (6), and (7) as paragraphs (2) through (5), respectively; and

(B) by adding at the end of subsection (b) the following: ''The portions of this report described in paragraphs (4) and (5) of subsection (a) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.'';

(16) in section 52 (22 U.S.C. 2593b), by striking ''Director'' and inserting ''Secretary of State'';

(17) in section 61 (22 U.S.C. 2593a)—

(A) in paragraph (1), by striking ''United States Arms Control and Disarmament Agency'' and inserting ''Department of State'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively;

(D) in paragraph (4) (as redesignated), by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(E) in paragraph (6) (as redesignated), by striking ''United States Arms Control and Disarmament Agency and the'';

(18) in section 62 (22 U.S.C. 2595a)—

(A) in subsection (c)—

(i) in the subsection heading, by striking ''DIRECTOR'' and inserting ''SECRETARY OF STATE''; and

(ii) by striking ''2(d), 22, and 34(c)'' and inserting ''102(3) and 304(b)''; and

(B) by striking ''Director'' and inserting ''Secretary of State'';

(19) in section 64 (22 U.S.C. 2595b–1)—

*(A) by striking the section title and inserting ''**sec. 503. review of certain reprogramming notifications.**'';*

(B) by striking subsection (a); and

(C) in subsection (b)—

(i) by striking ''(b) REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.—''; and

(ii) by striking ''Foreign Affairs'' and inserting ''International Relations'';

(20) in section 65(1) (22 U.S.C. 2595c(1)) by inserting ''of America'' after ''United States''; and

(21) by redesignating sections 1, 2, 3, 27, 28, 31, 32, 33, 34, 36, 37, 38, 39, 41, 44, 51, 52, 61, 62, 64, and 65, as amended by this section, as sections 101, 102, 103, 201, 202, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 501, 502, 503, and 504, respectively.

SEC. 1224. COMPENSATION OF OFFICERS.

Title 5, United States Code, is amended—

(1) in section 5313, by striking ''Director of the United States Arms Control and Disarmament Agency.'';

(2) in section 5314, by striking ''Deputy Director of the United States Arms Control and Disarmament Agency.'';

(3) in section 5315—

(A) by striking ''Assistant Directors, United States Arms Control and Disarmament Agency (4).''; and

(B) by striking ''Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency'', and inserting ''Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State''; and

(4) in section 5316, by striking ''General Counsel of the United States Arms Control and Disarmament Agency.''.

SEC. 1225. ADDITIONAL CONFORMING AMENDMENTS.

(a) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking ''Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and the Secretary of Defense'' and inserting ''Secretary of State in consultation with the Secretary of Defense and the Director of Central Intelligence'';

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

(A) in the first sentence, by striking ''be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to'' and inserting ''take into account''; and

(B) by striking the second sentence;

(3) in section 42(a) (22 U.S.C. 2791(a))—

(A) in paragraph (1)(C), by striking ''the assessment of the Director of the United States Arms Control and Disarmament Agency as to'';

(B) by striking ''(1)'' after ''(a)''; and

(C) by striking paragraph (2);

(4) in section 71(a) (22 U.S.C. 2797(a)), by striking '', the Director of the Arms Control and Disarmament Agency,'';

(5) in section 71(b)(1) (22 U.S.C. 2797(b)(1)), by striking ''and the Director of the United States Arms Control and Disarmament Agency'';

(6) in section 71(b)(2) (22 U.S.C. 2797(b)(2))—

(A) by striking '', the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency'' and inserting ''and the Secretary of Commerce''; and

(B) by striking ''or the Director'';

(7) in section 71(c) (22 U.S.C. 2797(c)), by striking ''with the Director of the United States Arms Control and Disarmament Agency,''; and

(8) in section 73(d) (22 U.S.C. 2797b(d)), by striking '', the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency'' and inserting ''and the Secretary of Commerce''.

(b) FOREIGN ASSISTANCE ACT.—Section 511 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321d) is amended by striking ''be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to'' and inserting ''take into account''.

(c) UNITED STATES INSTITUTE OF PEACE ACT.—

(1) Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as redesignated), by striking ''Eleven'' and inserting ''Twelve''.

(2) Section 1707(d)(2) of that Act (22 U.S.C. 4606(d)(2)) is amended by striking '', Director of the Arms Control and Disarmament Agency''.

(d) ATOMIC ENERGY ACT OF 1954.—The Atomic Energy Act of 1954 is amended—

(1) in section 57b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking ''the Arms Control and Disarmament Agency,''; and

(B) in the second sentence, by striking ''the Director of the Arms Control and Disarmament Agency,'';

(2) in section 109b. (42 U.S.C. 2129(b)), by striking ''and the Director'';

(3) in section 111b. (42 U.S.C. 2131(b)) by striking ''the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission,'' and inserting ''the Nuclear Regulatory Commission'';

(4) in section 123 (42 U.S.C. 2153)—

(A) in subsection a., in the third sentence—

(i) by striking ''and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director')'';

(ii) by inserting ''and'' after ''Energy,'';

(iii) by striking ''Commission, and the Director, who'' and inserting ''Commission. The Secretary of State''; and

(iv) after ''nuclear explosive purpose.'', by inserting the following new sentence: ''Each Nuclear Proliferation Assessment Statement prepared pursuant to this Act shall be accompanied by a classified annex, prepared in consultation with the Director of Central Intelligence, summarizing relevant classified information.'';

(B) in subsection d., in the first proviso—

(i) by striking '' Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency,'' and inserting ''Nuclear Proliferation Assessment Statement prepared by the Secretary of State, and any annexes thereto,''; and

(ii) by striking ''has been'' and inserting ''have been''; and

(C) in the first undesignated paragraph following subsection d., by striking ''the Arms Control and Disarmament Agency,'';

(5) in section 126a.(1), by striking ''the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission'' and inserting ''and the Nuclear Regulatory Commission,'';

(6) in section 131a. (42 U.S.C. 2160(a))—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''the Director,'';

(ii) in the third sentence, by striking ''the Director declares that he intends'' and inserting ''the Secretary of State is required''; and

(iii) in the third sentence, by striking ''the Director's declaration'' and inserting ''the requirement to prepare a Nuclear Proliferation Assessment Statement'';

(B) in paragraph (2)—

(i) by striking ''Director's view'' and inserting ''view of the Secretary of State, Secretary of Energy, Secretary of Defense, or the Commission''; and

(ii) by striking ''he may prepare'' and inserting ''the Secretary of State, in consultation with such Secretary or the Commission, shall prepare''; and

(7) in section 131c. (42 U.S.C. 2160(c))—

(A) in the first sentence, by striking '', the Director of the Arms Control and Disarmament Agency,'';

(B) in the sixth and seventh sentences, by striking ''Director'' each place it appears and inserting ''Secretary of State''; and

(C) in the seventh sentence, by striking ''Director's'' and inserting ''Secretary of State's''.

(e) NUCLEAR NON-PROLIFERATION ACT OF 1978.—The Nuclear Non-Proliferation Act of 1978 is amended—

(1) in section 4 (22 U.S.C. 3203)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(2) in section 102 (22 U.S.C. 3222), by striking '', the Secretary of State, and the Director of the Arms Control and Disarmament Agency'' and inserting ''and the Secretary of State'';

(3) in section 304(d) (42 U.S.C. 2156a), by striking ''the Secretary of Defense, and the Director,'' and inserting ''and the Secretary of Defense,'';

(4) in section 309 (42 U.S.C. 2139a)—

(A) in subsection (b), by striking ''the Department of Commerce, and the Arms Control and Disarmament Agency'' and inserting ''and the Department of Commerce''; and

(B) in subsection (c), by striking ''the Arms Control and Disarmament Agency,'';

(5) in section 406 (42 U.S.C. 2160a), by inserting '', or any annexes thereto,'' after ''Statement''; and

(6) in section 602 (22 U.S.C. 3282)—

(A) in subsection (c), by striking ''the Arms Control and Disarmament Agency,''; and

(B) in subsection (e), by striking ''and the Director''.

(f) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—Section 23(a) of the State Department basic Authorities Act of 1956 (22 U.S.C. 2695(a)) is amended by striking ''the Agency for International Development, and the Arms Control and Disarmament Agency'' and inserting ''and the Agency for International Development''.

(g) FOREIGN RELATIONS AUTHORIZATION ACT OF 1972.—Section 502 of the Foreign Relations Authorization Act of 1972 (2 U.S.C. 194a) is amended by striking ''the United States Arms Control and Disarmament Agency,''.

(h) TITLE 49.—Section 40118(d) of title 49, United States Code, is amended by striking '', or the Director of the Arms Control and Disarmament Agency''.

TITLE XIII—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1301. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency (other than the Broadcasting Board of Governors and the International Broadcasting Bureau) is abolished.

SEC. 1312. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

(b) EXCEPTION.—Subsection (a) does not apply to the Broadcasting Board of Governors, the International Broadcasting Bureau, or any function performed by the Board or the Bureau.

SEC. 1313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)), as amended by this division, is further amended by adding at the end the following new paragraph:

''(3) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.''.

SEC. 1314. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the United States Information Agency is abolished.

(b) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''the Office of Personnel Management, the United States Information Agency'' and inserting ''or the Office of Personnel Management''; and

(2) in paragraph (2), by striking ''the United States Information Agency,''.

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking the following:

''Inspector General, United States Information Agency.''.

(d) AMENDMENTS TO PUBLIC LAW 103–236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking ''Inspector General of the United States Information Agency'' each place it appears and inserting ''Inspector General of the Department of State and the Foreign Service''; and

(2) by striking '', the Director of the United States Information Agency,''.

(e) TRANSFER OF FUNCTIONS.—There are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 1321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom ''to seek, receive, and impart information and ideas through any media and regardless of frontiers'', in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability, and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 1322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

''(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

''(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

''(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date may serve the remainder of their terms of office without reappointment.

''(3) INSPECTOR GENERAL AUTHORITIES.—

''(A) IN GENERAL.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors and the International Broadcasting Bureau as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

''(B) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.''.

SEC. 1323. CONFORMING AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

(a) REFERENCES IN SECTION.—Whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).

(b) SUBSTITUTION OF SECRETARY OF STATE.—Sections 304(b)(1)(B), 304(b) (2) and (3), 304(c), and 304(e) (22 U.S.C. 6203(b)(1)(B), 6203(b) (2) and (3), 6203(c), and 6203(e)) are amended by striking ''Director of the United States Information Agency'' each place it appears and inserting ''Secretary of State''.

(c) SUBSTITUTION OF ACTING SECRETARY OF STATE.—Section 304(c) (22 U.S.C. 6203(c)) is amended by striking ''acting Director of the agency'' and inserting ''Acting Secretary of State''.

(d) STANDARDS AND PRINCIPLES OF INTERNATIONAL BROADCASTING.—Section 303(b) (22 U.S.C. 6202(b)) is amended—

(1) in paragraph (3), by inserting '', including editorials, broadcast by the Voice of America, which present the views of the United States Government'' after ''policies'';

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

(3) by inserting after paragraph (3) the following:

''(4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;'';

(e) AUTHORITIES OF THE BOARD.—Section 305(a) (22 U.S.C. 6204(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''direct and''; and

(B) by striking ''and the Television Broadcasting to Cuba Act'' and inserting '', the Television Broadcasting to Cuba Act, and Worldnet Television, except as provided in section 306(b)'';

(2) in paragraph (4), by inserting '', after consultation with the Secretary of State,'' after ''annually,'';

(3) in paragraph (9)—

(A) by striking '', through the Director of the United States Information Agency,''; and

(B) by adding at the end the following new sentence: ''Each annual report shall place special emphasis on the assessment described in paragraph (2).'';

(4) in paragraph (12)—

(A) by striking ''1994 and 1995'' and inserting ''1998 and 1999''; and

(B) by striking ''to the Board for International Broadcasting for such purposes for fiscal year 1993'' and inserting ''to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997''; and

(5) by adding at the end the following new paragraphs:

''(15)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code.

''(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

''(16) To procure, pursuant to section 1535 of title 31, United States Code (commonly known as the 'Economy Act'), such goods and services from other departments or agencies for the Board and the International Broadcasting Bureau as the Board determines are appropriate.

''(17) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1997, to the extent the Board considers necessary in carrying out the provisions and purposes of this title.

''(18) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title XIII of the Foreign Affairs Consolidation Act of 1997 for carrying out the broadcasting activities covered by this title.''.

(f) DELEGATION OF AUTHORITY.—Section 305 (22 U.S.C. 6204) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

''(b) DELEGATION OF AUTHORITY.—The Board may delegate to the Director of the International Broadcasting Bureau, or any other officer or employee of the United States, to the extent the Board determines to be appropriate, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (3), (4), (5), (6), (9), or (11) of subsection (a).''.

(g) BROADCASTING BUDGETS.—Section 305(c)(1) (as redesignated) is amended—

(1) by striking ''(1)'' before ''The Director''; and

(2) by striking ''the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to''.

(h) REPEAL.—Section 305(c)(2) (as redesignated) is repealed.

(i) IMPLEMENTATION.—Section 305(d) (as redesignated) is amended to read as follows:

''(d) PROFESSIONAL INDEPENDENCE OF BROADCASTERS.—The Secretary of State and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and the grantees of the Board.''.

(j) FOREIGN POLICY GUIDANCE.—Section 306 (22 U.S.C. 6205) is amended—

(1) in the section heading, by striking ''**FOREIGN POLICY GUIDANCE**'' and inserting ''**ROLE OF THE SECRETARY OF STATE**'';

(2) by inserting ''(a) FOREIGN POLICY GUIDANCE.—'' immediately before ''To'';

(3) by striking ''State, acting through the Director of the United States Information Agency,'' and inserting ''State'';

(4) by inserting before the period at the end the following: '', as the Secretary may deem appropriate''; and

(5) by adding at the end the following:

''(b) CERTAIN WORLDNET PROGRAMMING.—The Secretary of State is authorized to use Worldnet broadcasts for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the Department of State. The Chairman of the Broadcasting Board of Governors shall provide access to Worldnet for this purpose on a nonreimbursable basis.''.

(k) INTERNATIONAL BROADCASTING BUREAU.—Section 307 (22 U.S.C. 6206) is amended—

(1) in subsection (a), by striking ''within the United States Information Agency'' and inserting ''under the Board'';

(2) in subsection (b)(1), by striking ''Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board'' and inserting ''President, by and with the advice and consent of the Senate'';

(3) by redesignating subsection (b)(1) as subsection (b);

(4) by striking subsection (b)(2); and

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

''(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of Radio Free Asia, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.''.

(l) REPEALS.—The following provisions of law are repealed:

(1) Subsections (k) and (l) of section 308 (22 U.S.C. 6207 (k), (l)).

(2) Section 310 (22 U.S.C. 6209).

SEC. 1324. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended—

(1) by striking ''United States Information Agency'' each place it appears and inserting ''Broadcasting Board of Governors'';

(2) by striking ''Agency'' each place it appears and inserting ''Board'';

(3) by striking ''the Director of the United States Information Agency'' each place it appears and inserting ''the Broadcasting Board of Governors'';

(4) in section 4 (22 U.S.C. 1465b), by striking ''the Voice of America'' and inserting ''the International Broadcasting Bureau'';

(5) in section 5 (22 U.S.C. 1465c)—

(A) by striking ''Board'' each place it appears and inserting ''Advisory Board''; and

(B) in subsection (a), by striking the first sentence and inserting ''There is established within the Office of the President the Advisory Board for Cuba Broadcasting (in this Act referred to as the 'Advisory Board').''; and

(6) by striking any other reference to ''Director'' not amended by paragraph (3) each place it appears and inserting ''Board''.

SEC. 1325. AMENDMENTS TO THE TELEVISION BROADCASTING TO CUBA ACT.

The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) is amended—

(1) in section 243(a) (22 U.S.C. 1465bb(a)) and section 246 (22 U.S.C. 1465dd), by striking ''United States Information Agency'' each place it appears and inserting ''Broadcasting Board of Governors'';

(2) in section 243(c) (22 U.S.C. 1465bb(c))—

(A) in the subsection heading, by striking ''USIA''; and

(B) by striking '''USIA Television'' and inserting ''the 'Television'';

(3) in section 244(c) (22 U.S.C. 1465cc(c)) and section 246 (22 U.S.C. 1465dd), by striking ''Agency'' each place it appears and inserting ''Board'';

(4) in section 244 (22 U.S.C. 1465cc)—

*(A) in the section heading, by striking ''**OF THE UNITED STATES INFORMATION AGENCY**'';*

(B) in subsection (a)—

(i) in the first sentence, by striking ''The Director of the United States Information Agency shall establish'' and inserting ''There is''; and

(ii) in the second sentence—

(I) by striking ''Director of the United States Information Agency'' and inserting ''Broadcasting Board of Governors''; and

(II) by striking ''the Director of the Voice of America'' and inserting ''the International Broadcasting Bureau'';

(C) in subsection (b)—

(i) by striking ''Agency facilities'' and inserting ''Board facilities''; and

(ii) by striking ''Information Agency'' and inserting ''International''; and

(D) in the heading of subsection (c), by striking ''USIA''; and

(5) in section 245(d) (22 U.S.C. 1465c note), by striking ''Board'' and inserting ''Advisory Board''.

SEC. 1326. TRANSFER OF BROADCASTING RELATED FUNDS, PROPERTY, AND PERSONNEL.

(a) TRANSFER AND ALLOCATION OF PROPERTY AND APPROPRIATIONS.—

(1) IN GENERAL.—The assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 1327(d)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices of USIA transferred to the Broadcasting Board of Governors by this chapter shall be transferred to the Broadcasting Board of Governors for appropriate allocation.

(2) ADDITIONAL TRANSFERS.—In addition to the transfers made under paragraph (1), there shall be transferred to the Chairman of the Broadcasting Board of Governors the assets, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds, as determined by the Secretary, in concurrence with the Broadcasting Board of Governors, to support the functions transferred by this chapter.

(b) TRANSFER OF PERSONNEL.—Notwithstanding any other provision of law—

(1) except as provided in subsection (c), all personnel and positions of USIA employed or maintained to carry out the functions transferred by this chapter to the Broadcasting Board of Governors shall be transferred to the Broadcasting Board of Governors at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer; and

(2) the personnel and positions of USIA, as determined by the Secretary of State, with the concurrence of the Broadcasting Board of Governors and the Director of USIA, to support the functions transferred by this chapter shall be transferred to the Broadcasting Board of Governors, including the International Broadcasting Bureau, at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) TRANSFER AND ALLOCATION OF PROPERTY, APPROPRIATIONS, AND PERSONNEL ASSOCIATED WITH WORLDNET.—USIA personnel responsible for carrying out interactive dialogs with foreign media and other similar overseas public diplomacy programs using the Worldnet television broadcasting system, and funds associated with such personnel, shall be transferred to the Department of State in accordance with the provisions of title XVI of this subdivision.

(d) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, when requested by the Broadcasting Board of Governors, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with functions and offices transferred from USIA, as may be necessary to carry out the provisions of this section.

SEC. 1327. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this title, and

(2) that are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this chapter, or amendments made by this chapter, shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this title takes effect, with respect to functions exercised by the Board as of the effective date of this title but such proceedings and applications shall be continued.

(2) ORDERS, APPEALS, AND PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this chapter had not been enacted.

(c) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Broadcasting Board of Governors, or any commission or component thereof, shall abate by reason of the enactment of this chapter. No cause of action by or against the Broadcasting Board of Governors, or any commission or component thereof, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this chapter.

(d) CONTINUATION OF PROCEEDINGS WITH SUBSTITUTION OF PARTIES.—

(1) SUBSTITUTION OF PARTIES.—If, before the effective date of this title, USIA or the Broadcasting Board of Governors, or any officer thereof in the official capacity of such officer, is a party to a suit which is related to the functions transferred by this chapter, then effective on such date such suit shall be continued with the Broadcasting Board of Governors or other appropriate official of the Board substituted or added as a party.

(2) LIABILITY OF THE BOARD.—The Board shall participate in suits continued under paragraph (1) where the Broadcasting Board of Governors or other appropriate official of the Board is added as a party and shall be liable for any judgments or remedies in those suits or proceedings arising from the exercise of the functions transferred by this chapter to the same extent that USIA would have been liable if such judgment or remedy had been rendered on the day before the abolition of USIA.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Broadcasting Board of Governors relating to a function exercised by the Board before the effective date of this title may be continued by the Board with the same effect as if this chapter had not been enacted.

(f) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this title, shall be deemed to refer to the Board.

SEC. 1328. REPORT ON THE PRIVATIZATION OF RFE/RL, INCORPORATED.

Not later than March 1 of each year, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, on any steps taken to further the policy declared in section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. The report under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to terminate individual language services.

(2) A detailed description of steps taken with regard to section 312(a) of that Act.

(3) An analysis of prospects for privatization over the coming year.

(4) An assessment of the extent to which United States Government funding may be appropriate in the year 2000 and subsequent years for surrogate broadcasting to the countries to which RFE/RL, Incorporated, broadcast during the year. This assessment shall include an analysis of the environment for independent media in those countries, noting the extent of government control of the media, the ability of independent journalists and news organizations to operate, relevant domestic legislation, level of government harassment and efforts to censor, and other indications of whether the people of such countries enjoy freedom of expression.

CHAPTER 4—CONFORMING AMENDMENTS

SEC. 1331. REFERENCES.

(a) IN GENERAL.—Except as otherwise provided in this subdivision, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

(b) CONTINUING REFERENCES TO USIA OR DIRECTOR.—Subsection (a) shall not apply to section 146 (a), (b), or (c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4069a(f), 4069b(g), or 4069c(f)).

SEC. 1332. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking ''Director of the United States Information Agency.'';

(2) in section 5315—

(A) by striking ''Deputy Director of the United States Information Agency.''; and

(B) by striking ''Director of the International Broadcasting Bureau, the United States Information Agency.'' and inserting ''Director of the International Broadcasting Bureau.''; and

(3) in section 5316—

(A) by striking ''Deputy Director, Policy and Plans, United States Information Agency.''; and

(B) by striking ''Associate Director (Policy and Plans), United States Information Agency.''.

SEC. 1333. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION TO FUNCTIONS OF DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall not apply to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this subdivision.

(b) APPLICATION TO FUNCTIONS TRANSFERRED TO DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall apply only to public diplomacy programs, personnel and support of the Director of the United States Information Agency as carried out prior to any transfer of functions pursuant to this subdivision to the same extent that such programs were covered by these provisions prior to such transfer.

(c) LIMITATION ON USE OF FUNDS.—Except as provided in section 501 of Public Law 80–402 and section 208 of Public Law 99–93, funds specifically authorized to be appropriated for such public diplomacy programs shall not be used to influence public opinion in the United States, and no program material prepared using such funds shall be distributed or disseminated in the United States.

(d) REPORTING REQUIREMENTS.—The report submitted pursuant to section 1601(f) of this subdivision shall include a detailed statement of the manner in which the special mission of public diplomacy carried out by USIA prior to the transfer of functions under this subdivision shall be preserved within the Department of State, including the planned duties and responsibilities of any new bureaus that will perform such public diplomacy functions. Such report shall also include the best available estimates of—

(1) the amounts to be expended by the Department of State for public affairs programs during fiscal year 1998, and on the personnel and support costs for such programs;

(2) the amounts to be expended by USIA for its public diplomacy programs during fiscal year 1998, and on the personnel and support costs for such programs; and

(3) the amounts, including funds to be transferred from USIA and funds appropriated to the Department, that will be allocated for the programs described in paragraphs (1) and (2), respectively, during the fiscal year in which the transfer of functions from USIA to the Department occurs.

(e) CONGRESSIONAL PRESENTATION DOCUMENT.—The Department of State's Congressional Presentation Document for fiscal year 2000 and each fiscal year thereafter shall include—

(1) the aggregated amounts that the Department will spend on such public diplomacy programs and on costs of personnel for such programs, and a detailed description of the goals and purposes for which such funds shall be expended; and

(2) the amount of funds allocated to and the positions authorized for such public diplomacy programs, including bureaus to be created upon the transfer of functions from USIA to the Department.

SEC. 1334. ABOLITION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) ABOLITION.—The United States Advisory Commission on Public Diplomacy is abolished.

(b) REPEALS.—Section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977 are repealed.

SEC. 1335. CONFORMING AMENDMENTS.

(a) The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended—

(1) in section 505 (22 U.S.C. 1464a)—

(A) by striking ''Director of the United States Information Agency'' each place it appears and inserting ''Broadcasting Board of Governors'';

(B) by striking ''United States Information Agency'' each place it appears and inserting ''Broadcasting Board of Governors'';

(C) in subsection (b)—

(i) by striking ''Agency's'' and all that follows through ''(''USIA-TV')'' and inserting ''television broadcasts of the United States International Television Service''; and

(ii) in paragraphs (1), (2), and (3), by striking ''USIA-TV'' each place it appears and inserting ''The United States International Television Service''; and

(D) in subsections (d) and (e), by striking ''USIA-TV'' each place it appears and inserting ''the United States International Television Service'';

(2) in section 506(c) (22 U.S.C. 1464b(c))—

(A) by striking ''Director of the United States Information Agency'' and inserting ''Broadcasting Board of Governors'';

(B) by striking ''Agency'' and inserting ''Board''; and

(C) by striking ''Director'' and inserting ''Board''.

(3) in section 705 (22 U.S.C 1477c)—

(A) by striking subsections (a) and (c); and

(B) in subsection (b)—

(i) by striking ''(b) In addition, the United State Information Agency'' and inserting ''The Department of State''; and

(ii) by striking ''program grants'' and inserting ''grants for overseas public diplomacy programs'';

(4) in section 801(7) (22 U.S.C. 1471(7))—

(A) by striking ''Agency'' and inserting ''overseas public diplomacy''; and

(B) by inserting ''other'' after ''together with''; and

(5) in section 812 (22 U.S.C. 1475g)—

(A) by striking ''United States Information Agency post'' each place it appears and inserting ''overseas public diplomacy post'';

(B) in subsection (a), by striking ''United States Information Agency'' the first place it appears and inserting ''Department of State'';

(C) in subsection (b), by striking ''Director of the United States Information Agency'' and inserting ''Secretary of State''; and

*(D) in the section heading, by striking ''**USIA**'' and inserting ''**OVERSEAS PUBLIC DIPLOMACY**''.*

(b) Section 212 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is amended—

(1) by striking ''United States Information Agency'' each place it appears and inserting ''Department of State'';

(2) in subsection (a), by inserting ''for carrying out its overseas public diplomacy functions'' after ''grants'';

(3) in subsection (b)—

(A) by striking ''a grant'' the first time it appears and inserting ''an overseas public diplomacy grant''; and

(B) in paragraph (1), by inserting ''such'' before ''a grant'' the first place it appears;

(4) in subsection (c)(1), by inserting ''overseas public diplomacy'' before ''grants'';

(5) in subsection (c)(3), by inserting ''such'' before ''grant''; and

(6) by striking subsection (d).

(c) Section 602 of the National and Community Service Act of 1990 (22 U.S.C. 2452a) is amended—

(1) in the second sentence of subsection (a), by striking ''United States Information Agency'' and inserting ''Department of State''; and

(2) in subsection (b)—

(A) by striking ''appropriations account of the United States Information Agency'' and inserting ''appropriate appropriations account of the Department of State''; and

(B) by striking ''and the United States Information Agency''.

(d) Section 305 of Public Law 97–446 (19 U.S.C. 2604) is amended in the first sentence, by striking '', after consultation with the Director of the United States Information Agency,''.

(e) Section 601 of Public Law 103–227 (20 U.S.C. 5951(a)) is amended by striking ''of the

Director of the United States Information Agency and with'' and inserting ''and''.

(f) Section 1003(b) of the Fascell Fellowship Act (22 U.S.C. 4902(b)) is amended—

(1) in the text above paragraph (1), by striking ''9 members'' and inserting ''7 members'';

(2) in paragraph (4), by striking ''Six'' and inserting ''Five'';

(3) by striking paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

(g) Section 803 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1903) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(2) in subsection (c), by striking ''subsection (b)(7)'' and inserting ''subsection (b)(6)''.

(h) Section 7 of the Federal Triangle Development Act (40 U.S.C. 1106) is amended—

(1) in subsection (c)(1)—

(A) in the text above subparagraph (A), by striking ''15 members'' and inserting ''14 members'';

(B) by striking subparagraph (F); and

(C) by redesignating subparagraphs (G) through (J) as subparagraphs (F) through (I), respectively;

(2) in paragraphs (3) and (5) of subsection (c), by striking ''paragraph (1)(J)'' each place it appears and inserting ''paragraph (1)(I)''; and

(3) in subsection (d)(3) and subsection (e), by striking ''the Administrator and the Director of the United States Information Agency'' each place it appears and inserting ''and the Administrator''.

(i) Section 3 of the Woodrow Wilson Memorial Act of 1968 (Public Law 90–637; 20 U.S.C. 80f) is amended—

(1) in subsection (b)—

(A) in the text preceding paragraph (1), by striking ''19 members'' and inserting ''17 members'';

(B) by striking paragraph (7);

(C) by striking ''10'' in paragraph (10) and inserting ''9''; and

(D) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(2) in subsection (c), by striking ''(9)'' and inserting ''(8)''.

(j) Section 624 of Public Law 89–329 (20 U.S.C. 1131c) is amended by striking ''the United States Information Agency,''.

(k) The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking ''Director of the United States Information Agency'' and inserting ''Broadcasting Board of Governors'';

(2) in section 210 (22 U.S.C. 3930), by striking ''United States Information Agency'' and inserting ''Broadcasting Board of Governors'';

(3) in section 1003(a) (22 U.S.C. 4103(a)), by striking ''United States Information Agency'' and inserting ''Broadcasting Board of Governors''; and

(4) in section 1101(c) (22 U.S.C. 4131(c)), by striking ''the United States Information Agency,'' and inserting ''Broadcasting Board of Governors,''.

(l) The Department of State Basic Authorities Act of 1956, as amended by this division, is further amended—

(1) in section 23(a) (22 U.S.C. 2695(a)), by striking ''United States Information Agency'' and inserting ''Broadcasting Board of Governors'';

(2) in section 25(f) (22 U.S.C. 2697(f))—

(A) by striking ''Director of the United States Information Agency'' and inserting ''Broadcasting Board of Governors''; and

(B) by striking ''with respect to their respective agencies'' and inserting ''with respect to the Board and the Agency'';

(3) in section 26(b) (22 U.S.C. 2698(b)), as amended by this division—

(A) by striking ''Director of the United States Information Agency, the chairman of the Board for International Broadcasting,'' and inserting ''Broadcasting Board of Governors,''; and

(B) by striking ''with respect to their respective agencies'' and inserting ''with respect to the Board and the Agency''; and

(4) in section 32 (22 U.S.C. 2704), as amended by this division, by striking ''the Director of the United States Information Agency'' and inserting ''the Broadcasting Board of Governors''.

(m) Section 507(b)(3) of Public Law 103–317 (22 U.S.C. 2669a(b)(3)) is amended by striking '', the United States Information Agency,''.

(n) Section 502 of Public Law 92–352 (2 U.S.C. 194a) is amended by striking ''the United States Information Agency,''.

(o) Section 6 of Public Law 104–288 (22 U.S.C. 2141d) is amended—

(1) in subsection (a), by striking ''Director of the United States Information Agency,''; and

(2) in subsection (b), by striking ''the Director of the United States Information Agency'' and inserting ''the Under Secretary of State for Public Diplomacy''.

(p) Section 40118(d) of title 49, United States Code, is amended by striking '', the Director of the United States Information Agency,''.

(q) Section 155 of Public Law 102–138 is amended—

(1) by striking the comma before ''Department of Commerce'' and inserting ''and''; and

(2) by striking '', and the United States Information Agency''.

(r) Section 107 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is amended by striking ''Director of the United States Information Agency'' each place it appears and inserting ''Director of the International Broadcasting Bureau''.

SEC. 1336. REPEALS.

The following provisions are repealed:

(1) Sections 701 (22 U.S.C. 1476), 704 (22 U.S.C. 1477b), 807 (22 U.S.C 1475b), 808 (22 U.S.C 1475c), 811 (22 U.S.C 1475f), and 1009 (22 U.S.C. 1440) of the United States Information and Educational Exchange Act of 1948.

(2) Section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(c)).

(3) Section 565(e) of the Anti-Economic Discrimination Act of 1994 (22 U.S.C. 2679c(e)).

(4) Section 206(b) of Public Law 102–138.

(5) Section 2241 of Public Law 104–66.

(6) Sections 1 through 6 of Reorganization Plan Numbered 2 of 1977 (91 Stat. 636).

(7) Section 207 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 22 U.S.C. 1463 note).

TITLE XIV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—Except for the components specified in subsection (b), the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

(b) AID AND OPIC EXEMPTED.—Subsection (a) does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

SEC. 1412. TRANSFER OF FUNCTIONS AND AUTHORITIES.

(a) ALLOCATION OF FUNDS.—

(1) ALLOCATION TO THE SECRETARY OF STATE.—Funds made available under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1–801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of October 1, 1997, shall be allocated to the Secretary of State on and after the effective date of this title without further action by the President.

(2) PROCEDURES FOR REALLOCATIONS OR TRANSFERS.—The Secretary of State may allocate or transfer as appropriate any funds received under paragraph (1) in the same manner as previously provided for the Director of the International Development Cooperation Agency under section 1–802 of that Executive Order, as in effect on October 1, 1997.

(b) WITH RESPECT TO THE OVERSEAS PRIVATE INVESTMENT CORPORATION.—There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this title with respect to the Overseas Private Investment Corporation.

(c) OTHER ACTIVITIES.—The authorities and functions transferred to the United States International Development Cooperation Agency or the Director of that Agency by section 6 of Reorganization Plan Numbered 2 of 1979 shall, to the extent such authorities and functions have not been repealed, be transferred to those agencies or heads of agencies, as the case may be, in which those authorities and functions were vested by statute as of the day before the effective date of such reorganization plan.

SEC. 1413. STATUS OF AID.

(a) IN GENERAL.—Unless abolished pursuant to the reorganization plan submitted under section 1601, and except as provided in section 1412, there is within the Executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5, United States Code.

(b) RETENTION OF OFFICERS.—Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this title.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 1421. REFERENCES.

Except as otherwise provided in this subdivision, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the United States International Development Cooperation Agency (IDCA) or to the Director or any other officer or employee of IDCA—

(1) insofar as such reference relates to any function or authority transferred under section 1412(a), shall be deemed to refer to the Secretary of State;

(2) insofar as such reference relates to any function or authority transferred under section 1412(b), shall be deemed to refer to the Administrator of the Agency for International Development;

(3) insofar as such reference relates to any function or authority transferred under section 1412(c), shall be deemed to refer to the head of the agency to which such function or authority is transferred under such section; and

(4) insofar as such reference relates to any function or authority not transferred by this title, shall be deemed to refer to the President or such agency or agencies as may be specified by Executive order.

SEC. 1422. CONFORMING AMENDMENTS.

(a) TERMINATION OF REORGANIZATION PLANS AND DELEGATIONS.—The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).

(2) Section 1–101 through 1–103, sections 1–401 through 1–403, section 1–801(a), and such other provisions that relate to the United States International Development Cooperation Agency or the Director of IDCA, of Executive Order No. 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1–6 of such Delegation of Authority.

(4) Section 3 of Executive Order No. 12884 (58 Fed. Reg. 64099; relating to the delegation of functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

(b) OTHER STATUTORY AMENDMENTS AND REPEAL.—

(1) TITLE 5.—Section 7103(a)(2)(B)(iv) of title 5, United States Code, is amended by striking ''United States International Development Cooperation Agency'' and inserting ''Agency for International Development''.

(2) INSPECTOR GENERAL ACT OF 1978.—Section 8A of the Inspector General Act of 1978 (5 U.S.C. App. 3) is amended—

(A) in subsection (a)—

(i) by striking ''Development'' through ''(1) shall'' and inserting ''Development shall'';

(ii) by striking ''; and'' at the end of subsection (a)(1) and inserting a period; and

(iii) by striking paragraph (2);

(B) by striking subsections (c) and (f); and

(C) by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(3) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—The State Department Basic Authorities Act of 1956 is amended—

(A) in section 25(f) (22 U.S.C. 2697(f)), as amended by this division, by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the Agency for International Development'';

(B) in section 26(b) (22 U.S.C. 2698(b)), as amended by this division, by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the Agency for International Development''; and

(C) in section 32 (22 U.S.C. 2704), by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the Agency for International Development''.

(4) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 is amended—

(A) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the Agency for International Development'';

(B) in section 210 (22 U.S.C. 3930), by striking ''United States International Development Cooperation Agency'' and inserting ''Agency for International Development'';

(C) in section 1003(a) (22 U.S.C. 4103(a)), by striking ''United States International Development Cooperation Agency'' and inserting ''Agency for International Development''; and

(D) in section 1101(c) (22 U.S.C. 4131(c)), by striking ''United States International Development Cooperation Agency'' and inserting ''Agency for International Development''.

(5) REPEAL.—Section 413 of Public Law 96–53 (22 U.S.C. 3512) is repealed.

(6) TITLE 49.—Section 40118(d) of title 49, United States Code, is amended by striking ''the Director of the United States International Development Cooperation Agency'' and inserting ''or the Administrator of the Agency for International Development''.

(7) EXPORT ADMINISTRATION ACT OF 1979.—Section 2405(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(g)) is amended—

(A) by striking ''Director of the United States International Development Cooperation Agency'' each place it appears and inserting ''Administrator of the Agency for International Development''; and

(B) in the fourth sentence, by striking ''Director'' and inserting ''Administrator''.

TITLE XV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 1501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 1601.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

SEC. 1511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—The Agency for International Development shall be reorganized in accordance with this subdivision and the reorganization plan transmitted pursuant to section 1601.

(b) FUNCTIONS TO BE TRANSFERRED.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of AID:

(1) The Press office.

(2) Certain administrative functions.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

SEC. 1521. DEFINITION OF UNITED STATES ASSISTANCE.

In this chapter, the term ''United States assistance'' means development and other economic assistance, including assistance made available under the following provisions of law:

(1) Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).

(3) Chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa).

(4) Chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union).

(5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

SEC. 1522. ADMINISTRATOR OF AID REPORTING TO THE SECRETARY OF STATE.

The Administrator of the Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall report to and be under the direct authority and foreign policy guidance of the Secretary of State.

SEC. 1523. ASSISTANCE PROGRAMS COORDINATION AND OVERSIGHT.

(a) AUTHORITY OF THE SECRETARY OF STATE.—

(1) IN GENERAL.—Under the direction of the President, the Secretary of State shall coordinate all United States assistance in accordance with this section, except as provided in paragraphs (2) and (3).

(2) EXPORT PROMOTION ACTIVITIES.—Coordination of activities relating to promotion of exports of United States goods and services shall continue to be primarily the responsibility of the Secretary of Commerce.

(3) INTERNATIONAL ECONOMIC ACTIVITIES.—Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury.

(4) AUTHORITIES AND POWERS OF THE SECRETARY OF STATE.—The powers and authorities of the Secretary provided in this chapter are in addition to the powers and authorities provided to the Secretary under any other Act, including section 101(b) and section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(b), 2382(c)).

(b) COORDINATION ACTIVITIES.—Coordination activities of the Secretary of State under subsection (a) shall include—

(1) approving an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961, the Arms Export Control Act, and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations; and

(4) resolving policy, program, and funding disputes among United States Government agencies.

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the Federal agency for that purpose.

(d) AUTHORITY TO PROVIDE PERSONNEL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Administrator of the Agency for International Development is authorized to detail to the Department of State on a nonreimbursable basis such personnel employed by the Agency as the Secretary of State may require to carry out this section.

TITLE XVI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 1601. REORGANIZATION PLAN AND REPORT.

(a) SUBMISSION OF PLAN AND REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan and report regarding—

(1) the abolition of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency in accordance with this subdivision;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the Agency and the transfer of certain functions of the Agency to the Department in accordance with section 1511;

(3) the termination of functions of each covered agency as may be necessary to effectuate the reorganization under this subdivision, and the termination of the affairs of each agency abolished under this subdivision;

(4) the transfer to the Department of the functions and personnel of each covered agency consistent with the provisions of this subdivision; and

(5) the consolidation, reorganization, and streamlining of the Department in connection with the transfer of such functions and personnel in order to carry out such functions.

(b) COVERED AGENCIES.—The agencies covered by this section are the following:

(1) The United States Arms Control and Disarmament Agency.

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) The Agency for International Development.

(c) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall contain, consistent with this subdivision, such elements as the President deems appropriate, including elements that—

(1) identify the functions of each covered agency that will be transferred to the Department under the plan;

(2) specify the steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it under the plan;

(3) specify the funds available to each covered agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(4) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(5) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each covered agency in connection with the transfer of the functions of such agency to the Department.

(d) REORGANIZATION PLAN OF AGENCY FOR INTERNATIONAL DEVELOPMENT.—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development—

(1) may provide for the abolition of the Agency for International Development and the transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions set forth in section 1511; and

(B) may provide for additional consolidation, reorganization, and streamlining of AID, including—

(i) the termination of functions and reductions in personnel of AID;

(ii) the transfer of functions of AID, and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(e) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise any part of the plan transmitted under subsection (a) until that part of the plan becomes effective in accordance with subsection (g).

(f) REPORT.—The report accompanying the reorganization plan for the Department and the covered agencies submitted pursuant to this section shall describe the implementation of the plan and shall include—

(1) a detailed description of—

(A) the actions necessary or planned to complete the reorganization,

(B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and

(C) any preliminary actions which have been taken in the implementation process;

(2) the number of personnel and positions of each covered agency (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred to the Department, separated from service with such agency, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(3) the number of personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred within the Department, separated from service with the Department, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(4) a projected schedule for completion of the implementation process; and

(5) recommendations, if any, for legislation necessary to carry out changes made by this subdivision relating to personnel and to incidental transfers.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (e), shall become effective on the earlier of the date for the respective covered agency specified in paragraph (2) or the date announced by the President under paragraph (3).

(2) STATUTORY EFFECTIVE DATES.—The effective dates under this paragraph for the reorganization plan described in this section are the following:

(A) October 1, 1998, with respect to functions of the Agency for International Development described in section 1511.

(B) October 1, 1998, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(C) October 1, 1999, with respect to the abolition of the United States Information Agency.

(3) EFFECTIVE DATE BY PRESIDENTIAL DETERMINATION.—An effective date under this paragraph for a reorganization plan described in this section is such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 90 calendar days after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of a covered agency on a single date.

(5) SUPERSEDES EXISTING LAW.—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

(h) PUBLICATION.—The reorganization plan described in this section shall be printed in the Federal Register after the date upon which it first becomes effective.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 1611. REORGANIZATION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized, subject to the requirements of this subdivision, to allocate or reallocate any function transferred to the Department under any title of this subdivision, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this subdivision, but this subsection does not authorize the Secretary to modify the terms of any statute that establishes or defines the functions of any bureau, office, or officer of the Department.

(b) REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.—The reorganization plan transmitted under section 1601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing a Federal agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new Federal agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 1612. TRANSFER AND ALLOCATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as otherwise provided in this subdivision, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 1615(e)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof, transferred by any title of this subdivision shall be transferred to the Secretary for appropriate allocation.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—Except as provided in subsection (c), unexpended and unobligated funds transferred pursuant to any title of this subdivision shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) FUNDS TO FACILITATE TRANSITION.—

(1) CONGRESSIONAL NOTIFICATION.—Funds transferred pursuant to subsection (a) may be available for the purposes of reorganization subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(2) TRANSFER AUTHORITY.—Funds in any account appropriated to the Department of State may be transferred to another such account for the purposes of reorganization, subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). The authority in this paragraph is in addition to any other transfer authority available to the Secretary of State and shall expire September 30, 2000.

SEC. 1613. TRANSFER, APPOINTMENT, AND ASSIGNMENT OF PERSONNEL.

(a) TRANSFER OF PERSONNEL FROM ACDA AND USIA.—Except as otherwise provided in title XIII—

(1) not later than the date of abolition of ACDA, all personnel and positions of ACDA, and

(2) not later than the date of abolition of USIA, all personnel and positions of USIA,

shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(b) TRANSFER OF PERSONNEL FROM AID.—Except as otherwise provided in title XIII, not later than the date of transfer of any function of AID to the Department of State under this subdivision, all AID personnel performing such functions and all positions associated with such functions shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) ASSIGNMENT AUTHORITY.—The Secretary, for a period of not more than 6 months commencing on the effective date of the transfer to the Department of State of personnel under subsections (a) and (b), is authorized to assign such personnel to any position or set of duties in the Department of State regardless of the position held or duties performed by such personnel prior to transfer, except that, by virtue of such assignment, such personnel shall not have their grade or class or their rate of basic pay or basic salary rate reduced, nor their tenure changed. The Secretary shall consult with the relevant exclusive representatives (as defined in section 1002 of the Foreign Service Act and in section 7103 of title 5, United States Code) with regard to the exercise of this authority. This subsection does not authorize the Secretary to assign any individual to any position that by law requires appointment by the President, by and with the advice and consent of the Senate.

(d) SUPERSEDING OTHER PROVISIONS OF LAW.—Subsections (a) through (c) shall be exercised notwithstanding any other provision of law.

SEC. 1614. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, when requested by the Secretary, is authorized to make such incidental dispositions of

personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this subdivision. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this subdivision and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this subdivision.

SEC. 1615. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any title of this subdivision; and

(2) that are in effect as of the effective date of such title, or were final before the effective date of such title and are to become effective on or after the effective date of such title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of any title of this subdivision shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this subdivision before any Federal agency, commission, or component thereof, functions of which are transferred by any title of this subdivision. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) ORDERS, APPEALS, PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subdivision had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this subdivision shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subdivision had not been enacted.

(4) REGULATIONS.—The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as provided in subsection (e) and section 1327(d)—

(1) the provisions of this subdivision shall not affect suits commenced prior to the effective dates of the respective titles of this subdivision; and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this subdivision had not been enacted.

(d) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this subdivision, shall abate by reason of the enactment of this subdivision. No cause of action by or against any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this subdivision, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this subdivision.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the effective date of any title of this subdivision, any Federal agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this subdivision any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then effective on such date such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this subdivision shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Federal agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this subdivision shall apply to the exercise of such function by the Secretary.

SEC. 1616. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Notwithstanding any provision of this subdivision, the Secretary of State, with the concurrence of the head of the appropriate Federal agency exercising functions transferred under this subdivision, may transfer the whole or part of such functions prior to the effective dates established in this subdivision, including the transfer of personnel and funds associated with such functions.

SEC. 1617. FINAL REPORT.

Not later than January 1, 2001, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this subdivision.

SUBDIVISION 2—FOREIGN RELATIONS AUTHORIZATION

TITLE XX—GENERAL PROVISIONS

SEC. 2001. SHORT TITLE.

This subdivision may be cited as the ''Foreign Relations Authorization Act, Fiscal Years 1998 and 1999''.

SEC. 2002. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

In this subdivision, the term ''appropriate congressional committees'' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE

SEC. 2101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For ''Diplomatic and Consular Programs'', of the Department of State $1,746,977,000 for the fiscal year 1998.

(2) SALARIES AND EXPENSES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Salaries and Expenses'', of the Department of State $363,513,000 for the fiscal year 1998.

(B) LIMITATIONS.—Of the amounts authorized to be appropriated by subparagraph (A) $2,000,000 for fiscal year 1998 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) CAPITAL INVESTMENT FUND.—For ''Capital Investment Fund'', of the Department of State $86,000,000 for the fiscal year 1998.

(4) SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.—(A) For ''Security and Maintenance of Buildings Abroad'', $404,000,000 for the fiscal year 1998.

(B) Of the amounts authorized to be appropriated for the period ending September 30, 1999, by subparagraph (A), up to $90,000,000 are authorized to be appropriated for the renovation, acquisition, and construction of housing and secure diplomatic facilities at the United States Embassy in Beijing, and the United States Consulate in Shanghai, the People's Republic of China.

(5) REPRESENTATION ALLOWANCES.—For ''Representation Allowances'', $4,300,000 for the fiscal year 1998.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service'', $5,500,000 for the fiscal year 1998.

(7) OFFICE OF THE INSPECTOR GENERAL.—For ''Office of the Inspector General'', $28,300,000 for the fiscal year 1998.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For ''Payment to the American Institute in Taiwan'', $14,490,000 for the fiscal year 1998.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—(A) For ''Protection of Foreign Missions and Officials'', $7,900,000 for the fiscal year 1998.

(B) Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount appropriated was made.

(10) REPATRIATION LOANS.—For ''Repatriation Loans'', $1,200,000 for the fiscal year 1998.

SEC. 2102. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under ''International Commissions'' for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For ''International Boundary and Water Commission, United States and Mexico''—

(A) for ''Salaries and Expenses'' $18,200,000 for the fiscal year 1998; and

(B) for ''Construction'' $6,463,000 for the fiscal year 1998.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For ''International Boundary Commission, United States and Canada'', $785,000 for the fiscal year 1998.

(3) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission'', $3,225,000 for the fiscal year 1998.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $14,549,000 for the fiscal year 1998.

SEC. 2103. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164) is amended to read as follows:

''SEC. 404. There are authorized to be appropriated to the Secretary of State $10,000,000 for the fiscal year 1998 for grants to The Asia Foundation pursuant to this title.''.

TITLE XXII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 2201. REIMBURSEMENT OF DEPARTMENT OF STATE FOR ASSISTANCE TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: ''Notwithstanding any other provision of law, where the child of a United States citizen employee of an agency of the United States Government who is stationed outside the United States attends an educational facility assisted by the Secretary of State under this section, the head of that agency is authorized to reimburse, or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities, by grant or otherwise, under this section.''.

SEC. 2202. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

''SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established a program for the payment of rewards to carry out the purposes of this section.

''(2) PURPOSE.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

''(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

''(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

''(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

''(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

''(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

''(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

''(B) the killing or kidnapping of—

''(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

''(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

''(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

''(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

''(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

''(c) COORDINATION.—

''(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

''(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

''(B) the publication of rewards;

''(C) the offering of joint rewards with foreign governments;

''(D) the receipt and analysis of data; and

''(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

''(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

''(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed $15,000,000.

''(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

''(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

''(e) LIMITATIONS AND CERTIFICATION.—

''(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed $2,000,000.

''(2) APPROVAL.—A reward under this section of more than $100,000 may not be made without the approval of the Secretary.

''(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

''(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than $100,000 set forth in paragraph (2) may not be delegated.

''(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

''(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

''(g) REPORTS.—

''(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

''(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

''(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

''(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

''(j) DEFINITIONS.—As used in this section:

''(1) ACT OF INTERNATIONAL TERRORISM.—The term 'act of international terrorism' includes—

''(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or nonnuclear-weapon state (as defined in paragraph (5) of that section); and

''(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

''(3) MEMBER OF THE IMMEDIATE FAMILY.—The term 'member of the immediate family', with respect to an individual, includes—

''(A) a spouse, parent, brother, sister, or child of the individual;

''(B) a person with respect to whom the individual stands in loco parentis; and

''(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

''(4) REWARDS PROGRAM.—The term 'rewards program' means the program established in subsection (a)(1).

''(5) UNITED STATES NARCOTICS LAWS.—The term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

''(6) UNITED STATES PERSON.—The term 'United States person' means—

''(A) a citizen or national of the United States; and

''(B) an alien lawfully present in the United States.''.

SEC. 2203. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) by striking ''$700,000 of the'' and inserting ''all'';

(2) at the end of paragraph (1), by striking ''and'';

(3) in paragraph (2)—

(A) by striking ''functions'' and inserting ''functions, including compliance and enforcement activities,''; and

(B) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls.''.

SEC. 2204. FEES FOR COMMERCIAL SERVICES.

Section 52(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724(b)) is amended by adding at the end the following: ''Funds deposited under this subsection shall remain available for obligation through September 30 of the fiscal year following the fiscal year in which the funds were deposited.''.

SEC. 2205. PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.

(a) FOREIGN AFFAIRS REIMBURSEMENT.—

(1) IN GENERAL.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(A) by redesignating subsection (d)(4) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

''(e)(1) The Secretary may provide appropriate training or related services, except foreign language training, through the institution to any United States person (or any employee or family member thereof) that is engaged in business abroad.

''(2) The Secretary may provide job-related training or related services, including foreign language training, through the institution to a United States person under contract to provide services to the United States Government or to any employee thereof that is performing such services.

''(3) Training under this subsection may be provided only to the extent that space is available and only on a reimbursable or advance-of-funds basis. Reimbursements and advances shall be credited to the currently available applicable appropriation account.

''(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

''(5) In this subsection, the term 'United States person' means—

''(A) any individual who is a citizen or national of the United States; or

''(B) any corporation, company, partnership, association, or other legal entity that is 50 percent or more beneficially owned by citizens or nationals of the United States.

''(f)(1) The Secretary is authorized to provide, on a reimbursable basis, training programs to Members of Congress or the Judiciary.

''(2) Employees of the legislative branch and employees of the judicial branch may participate, on a reimbursable basis, in training programs offered by the institution.

''(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

''(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1997.

(3) TERMINATION OF PILOT PROGRAM.—Effective October 1, 2001, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021), as amended by this subsection, is further amended—

(A) by striking subsections (e) and (f); and

(B) by redesignating subsection (g) as paragraph (4) of subsection (d).

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

''The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.''.

(c) REPORTING ON PILOT PROGRAM.—Two years after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing—

(1) the number of persons who have taken advantage of the pilot program established under subsections (e) and (f) of section 701 of the Foreign Service Act of 1980 and section 53 of the State Department Basic Authorities Act of 1956, as added by this section;

(2) the business or government affiliation of such persons;

(3) the amount of fees collected; and

(4) the impact of the program on the primary mission of the National Foreign Affairs Training Center.

SEC. 2206. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

''SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

''The Secretary is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.''.

SEC. 2207. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

''SEC. 55. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

''The Secretary shall include in the annual Congressional Presentation Document and the Budget in Brief a detailed accounting of the–total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also cover collections from the preceding fiscal year and the projected expenditures from all collections accounts.''.

SEC. 2208. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

''(4) The Inspector General shall develop and provide to employees—

''(A) information detailing their rights to counsel; and

''(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation other than matters exempt from disclosure under other provisions of law.''.

(b) NOTICE.—Section 209(e) of the Foreign Service Act of 1980 (22 U.S.C. 3929(e)) is amended by adding at the end the following new paragraph:

''(3) The Inspector General shall ensure that only officials from the Office of the Inspector General may participate in formal interviews or other formal meetings with the individual who is the subject of an investigation, other than an intelligence-related or sensitive undercover investigation, or except in those situations when the Inspector General has a reasonable basis to believe that such notice would cause tampering with witnesses, destroying evidence, or endangering the lives of individuals, unless that individual receives prior adequate notice regarding participation by officials of any other agency, including the Department of Justice, in such interviews or meetings.''.

(c) REPORT.—

(1) IN GENERAL.—Not later than April 30, 1998, the Inspector General of the Department of State and the Foreign Service shall submit a report to the appropriate congressional committees which includes the following:

(A) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any officer or employee of the Department of State, the United States Information Agency, or the United States Arms Control and Disarmament Agency.

(B) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

(2) STATUTORY CONSTRUCTION.—Disclosure of information to the public under this section shall not be construed to include information shared with Congress by an employee of the Office of the Inspector General.

SEC. 2209. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a), by inserting ''and enhancement'' after ''procurement'';

(2) in subsection (c), by striking ''are authorized to'' and inserting ''shall'';

(3) in subsection (d), by striking ''for expenditure to procure capital equipment and information technology'' and inserting ''for purposes of subsection (a)''; and

(4) by amending subsection (e) to read as follows:

''(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).''.

SEC. 2210. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

''(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 10 percent;'';

(2) by inserting ''and'' at the end of paragraph (5);

(3) by striking ''; and'' at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

SEC. 2211. AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.

Section 4(a) of the International Claims Settlement Act of 1949 (22 U.S.C. 1623(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the first sentence, by striking ''(a) The'' and all that follows through the period and inserting the following:

''(a)(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render a final decision with respect to any claim of the Government of the United States or of any national of the United States—

''(A) included within the terms of the Yugoslav Claims Agreement of 1948;

''(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

''(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State.''; and

(3) by redesignating the second sentence as paragraph (2).

SEC. 2212. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

(a) RECOVERY OF CERTAIN EXPENSES.—The Department of State Appropriation Act of 1937 (22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled ''INTERNATIONAL FISHERIES COMMISSION'' by inserting ''(including such expenses as salaries and other personnel expenses)'' after ''extraordinary expenses''.

(b) PROCUREMENT OF SERVICES.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting ''personal and'' before ''other support services''.

SEC. 2213. GRANTS TO REMEDY INTERNATIONAL ABDUCTIONS OF CHILDREN.

Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100–300) is amended by adding at the end the following new subsection:

''(e) GRANT AUTHORITY.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the Convention and this Act.''.

SEC. 2214. COUNTERDRUG AND ANTICRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific and, to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy, and works to achieve the objectives; and

(F) ensure that—

(i) all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms with the objectives; and

(ii) the recommendations of the Department regarding certification determinations made by the President on March 1 as to the counterdrug cooperation, or adequate steps on its own, of each major illicit drug producing and drug trafficking country to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances also conform to meet such objectives.

(3) REPORTS.—Not later than February 15 of each year subsequent to the submission of the strategy described in paragraph (1), the Secretary shall submit to Congress an update of the strategy. The update shall include—

(A) an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2); and

(B) detailed information on how certification determinations described in paragraph (2)(F) made the previous year affected achievement of the objectives set forth in paragraph (2) for the previous calendar year.

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTICRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every diplomatic mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—Consistent with existing memoranda of understanding between the Department of State and other departments and agencies of the United States, including the Department of Justice, the chief of mission of every diplomatic mission of the United States shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug, law enforcement, rule of law, and administration of justice programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every diplomatic mission of the United States shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at diplomatic missions of the United States in order to carry out the responsibility set forth in paragraph (1).

SEC. 2215. ANNUAL REPORT ON OVERSEAS SURPLUS PROPERTIES.

The Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.) is amended by adding at the end the following new section:

''SEC. 12. Not later than March 1 of each year, the Secretary of State shall submit to Congress a report listing overseas United States surplus properties that are administered under this Act and that have been identified for sale.''.

SEC. 2216. HUMAN RIGHTS REPORTS.

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) by striking ''January 31'' and inserting ''February 25'';

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) the status of child labor practices in each country, including—

''(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

''(B) the extent to which each country enforces such policies, including the adequacy of the resources and oversight dedicated to such policies;''.

SEC. 2217. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

''SEC. 56. CRIMES COMMITTED BY DIPLOMATS.

''(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

''(1) REPORT TO CONGRESS.—The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled ''Report on Cases Involving Diplomatic Immunity''.

''(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

''(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

''(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a

serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.

''(C) Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

''(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

''(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

''(F) Whether the Secretary has made the notifications referred to in subsection (c) during the period covered by the report.

''(3) SERIOUS CRIMINAL OFFENSE DEFINED.—For the purposes of this section, the term 'serious criminal offense' means—

''(A) any felony under Federal, State, or local law;

''(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

''(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

''(D)(i) driving under the influence of alcohol or drugs;

''(ii) reckless driving; or

''(iii) driving while intoxicated.

''(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

''(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

''(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

''(c) NOTIFICATION OF DIPLOMATIC CORPS.—The Secretary should periodically notify each foreign mission of United States policies relating to criminal offenses committed by individuals with immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.''.

SEC. 2218. REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY.

(a) PROCUREMENT POLICY.—It is the policy of the United States to foster and support procurement of goods and services from private, commercial companies.

(b) IMPLEMENTATION.—In order to achieve the policy set forth in subsection (a), the Diplomatic Telecommunications Service Program Office (DTS-PO) shall—

(1) utilize full and open competition in the procurement of telecommunications services, including satellite space segment, for the Department of State and each other Federal entity represented at United States diplomatic missions and consular posts overseas;

(2) make every effort to ensure and promote the participation in the competition for such procurement of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the maximum extent practicable, the subcontracting level.

SEC. 2219. REDUCTION OF REPORTING.

(a) REPEALS.—The following provisions of law are repealed:

(1) MODEL FOREIGN LANGUAGE COMPETENCE POSTS.—The second sentence of section 161(c) of the Foreign Relations Authorization Act, Fiscal Year 1990 and 1991 (22 U.S.C. 4171 note).

(2) ACTIONS OF THE GOVERNMENT OF HAITI.—Section 705(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83).

(3) TRAINING FACILITY FOR THE FOREIGN SERVICE INSTITUTE.—Section 123(e)(2) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93).

(4) MILITARY ASSISTANCE FOR HAITI.—Section 203(c) of the Special Foreign Assistance Act of 1986 (Public Law 99–529).

(5) INTERNATIONAL SUGAR AGREEMENT, 1977.—Section 5 of the Act entitled ''An Act providing for the implementation of the International Sugar Agreement, 1977, and for other purposes'' (Public Law 96–236; 7 U.S.C. 3605 and 3606).

(6) AUDIENCE SURVEY OF WORLDNET PROGRAM.—Section 209 (c) and (d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204).

(7) RESEARCH ON THE NEAR AND MIDDLE EAST.—Section 228(b) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 22 U.S.C. 2452 note).

(b) PROGRESS TOWARD REGIONAL NONPROLIFERATION.—Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c); relating to periodic reports on progress toward regional nonproliferation) is amended by striking ''Not later than April 1, 1993 and every six months thereafter,'' and inserting ''Not later than April 1 of each year,''.

(c) REPORT ON PARTICIPATION BY UNITED STATES MILITARY PERSONNEL ABROAD IN UNITED STATES ELECTIONS.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff(b)(6)) is amended by striking ''of voter participation'' and inserting ''of uniformed services voter participation, a general assessment of overseas nonmilitary participation,''.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 2221. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For the fiscal year 1998, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to title V of the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103–317; 22 U.S.C. 214 note), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.

SEC. 2222. SURCHARGE FOR PROCESSING CERTAIN MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) in paragraph (2), by striking ''providing consular services'' and inserting ''the Department of State's border security program, including the costs of the installation and operation of the machine readable visa and automated name-check process, improving the quality and security of the United States passport, investigations of passport and visa fraud, and the technological infrastructure to support the programs referred to in this sentence'';

(2) by striking the first sentence of paragraph (3) and inserting ''For the fiscal year 1998, any amount collected under paragraph (1) that exceeds $140,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.''; and

(3) by striking paragraphs (4) and (5).

SEC. 2223. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: ''For purposes of this paragraph, the term 'consular officer' includes any United States citizen employee of the Department of State who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.''.

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 1689 of the Revised Statutes (22 U.S.C. 4191) is amended by inserting ''and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe'' after ''such officers''.

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—

(1) DESIGNATED UNITED STATES CITIZENS PERFORMING NOTARIAL ACTS.—Section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221) is further amended by inserting after the first sentence: ''At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government who is a United States citizen serving overseas, including any contract employee of the United States Government, to perform such acts, and any such contractor so authorized shall not be considered to be a consular officer.''.

(2) DEFINITION OF CONSULAR OFFICERS.—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: ''For purposes of this section and sections 3493 through 3496 of this title, the term 'consular officers' includes any United States citizen who is designated to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).''.

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35, United States Code, is amended by adding at the end the following: ''For purposes of this section, a consular officer shall include any United States citizen serving overseas, authorized to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).''.

(e) DEFINITION OF CONSULAR OFFICER.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by—

(1) inserting ''or employee'' after ''officer'' the second place it appears; and

(2) inserting before the period at the end of the sentence ''or, when used in title III, for the purpose of adjudicating nationality''.

(f) TRAINING FOR EMPLOYEES PERFORMING CONSULAR FUNCTIONS.—Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding at the end the following new subsection:

''(d)(1) Before a United States citizen employee (other than a diplomatic or consular officer of the United States) may be designated by the Secretary of State, pursuant to regulation, to perform a consular function abroad, the United States citizen employee shall—

''(A) be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function; and

''(B) be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function.

''(2) As used in this subsection, the term 'consular function' includes the issuance of visas, the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.''.

SEC. 2224. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214), as amended (relating to accounting for consular fees) are repealed.

SEC. 2225. ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES.

(a) FOREIGN AIRPORTS.—Section 44908(a) of title 49, United States Code, is amended—

(1) by inserting ''and'' at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (46 U.S.C. App. 1804(a)) is amended by striking the second sentence, relating to Federal Register publication by the Secretary of State.

SEC. 2226. DENIAL OF VISAS TO CONFISCATORS OF AMERICAN PROPERTY.

(a) DENIAL OF VISAS.—Except as otherwise provided in section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), and subject to subsection (b), the Secretary of State may deny the issuance of a visa to any alien who—

(1) through the abuse of position, including a governmental or political party position, converts or has converted for personal gain real property that has been confiscated or expropriated, a claim to which is owned by a national of the United States, or who is complicit in such a conversion; or

(2) induces any of the actions or omissions described in paragraph (1) by any person.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any country established by international mandate through the United Nations; or

(2) any territory recognized by the United States Government to be in dispute.

(c) REPORTING REQUIREMENT.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report, including—

(1) a list of aliens who have been denied a visa under this subsection; and

(2) a list of aliens who could have been denied a visa under subsection (a) but were issued a visa and an explanation as to why each such visa was issued.

SEC. 2227. INADMISSIBILITY OF ANY ALIEN SUPPORTING AN INTERNATIONAL CHILD ABDUCTOR.

(a) AMENDMENT OF IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by striking clause (ii) and inserting the following:

''(ii) ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—Any alien who—

''(I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i),

''(II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

''(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence.

''(iii) EXCEPTIONS.—Clauses (i) and (ii) shall not apply—

''(I) to a government official of the United States who is acting within the scope of his or her official duties;

''(II) to a government official of any foreign government if the official has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or

''(III) so long as the child is located in a foreign state that is a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens seeking admission to the United States on or after the date of enactment of this Act.

SEC. 2228. HAITI; EXCLUSION OF CERTAIN ALIENS; REPORTING REQUIREMENTS.

(a) GROUNDS FOR EXCLUSION.—Except as provided in subsection (c), a consular officer shall not issue a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State, in the Secretary's sole and unreviewable discretion, has reason to believe is a person who—

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

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

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

(4)(A) was a member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected Government of Haiti or the subsequent murders of as many as three thousand Haitians during that period; or

(B) is an immediate relative of an individual described in subparagraph (A); or

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

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

(c) REPORTING REQUIREMENT ON EXCLUSION OF CERTAIN HAITIAN ALIENS.—

(1) PREPARATION OF LIST.—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 referred to in paragraph (1) of subsection (a).

(2) SUBMISSION OF LIST TO CONGRESS.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees.

(3) LISTS OF VISA DENIALS AND EXCLUSIONS.—The Secretary of State shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives 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 subsection (a).

(4) DURATION FOR SUBMISSION OF LISTS.—The Secretary shall submit the list under paragraph (3) not later than six 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) REPORT ON THE COST OF UNITED STATES ACTIVITIES IN HAITI.—(1) Not later than January 1, 1998, and every 6 months thereafter, the President shall submit a report to Congress on the situation in Haiti, including—

(A) a listing of the units of the United States Armed Forces or Coast Guard and of the police and military units of other nations participating in operations in and around Haiti;

(B) incidents of the use of force in Haiti involving hostile acts against United States Armed Forces or Coast Guard personnel during the period covered by the report;

(C) the estimated cumulative program costs of all United States activities in Haiti during the period covered by the report, including—

(i) the incremental cost of deployments of United States Armed Forces and Coast Guard personnel training, exercises, mobilization, and preparation activities, including the United States contribution to the training and transportation of police and military units of other nations of any multilateral force involved in activities in Haiti;

(ii) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction assistance, assistance under part I of the Foreign Assistance Act of 1961, and other financial assistance, and all other costs to the United States Government; and

(D) a detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (3), including—

(i) in the case of amounts expended out of funds available to the Department of Defense budget, by military service or defense agency, line item, and program; and

(ii) in the case of amounts expended out of funds available to departments and agencies other than the Department of Defense, by department or agency and program.

(2) DEFINITION.—In this section, the term ''period covered by the report'' means the 6-month period prior to the date the report is required to be submitted, except that, in the case of the initial report, the term means the period since the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

CHAPTER 3—REFUGEES AND MIGRATION

Subchapter A—Authorization of Appropriations

SEC. 2231. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for ''Migration and Refugee Assistance'' for authorized activities, $650,000,000 for the fiscal year 1998 and $704,500,000 for the fiscal year 1999.

(2) LIMITATIONS.—

(A) LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), $1,000,000 for the fiscal year 1998 and $1,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) REFUGEES RESETTLING IN ISRAEL.—Of the amounts authorized to be appropriated in paragraph (1), $80,000,000 for the fiscal year 1998 and $80,000,000 for the fiscal year 1999 are authorized to be available for assistance for refugees resettling in Israel from other countries.

(C) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amounts authorized to be appropriated in paragraph (1), $1,500,000 for the fiscal year 1998 and $1,500,000 for the fiscal year 1999 for humanitarian assistance are authorized to be available, including food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

Subchapter B—Authorities

SEC. 2241. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—None of the funds made available by this subdivision shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) MIGRATION AND REFUGEE ASSISTANCE.—None of the funds made available by section 2231 of this division or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term ''to effect the involuntary return'' means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 2242. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) POLICY.—It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the heads of the appropriate agencies shall prescribe regulations to implement the obligations of the United States under Article 3 of the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

(c) EXCLUSION OF CERTAIN ALIENS.—To the maximum extent consistent with the obligations of the United States under the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention, the regulations described in subsection (b) shall exclude from the protection of such regulations aliens described in section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)).

(d) REVIEW AND CONSTRUCTION.—Notwithstanding any other provision of law, and except as provided in the regulations described in subsection (b), no court shall have jurisdiction to review the regulations adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to consider or review claims raised under the Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(e) AUTHORITY TO DETAIN.—Nothing in this section shall be construed as limiting the authority of the Attorney General to detain any person under any provision of law, including, but not limited to, any provision of the Immigration and Nationality Act.

(f) DEFINITIONS.—

(1) CONVENTION DEFINED.—In this section, the term ''Convention'' means the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

(2) SAME TERMS AS IN THE CONVENTION.—Except as otherwise provided, the terms used in this section have the meanings given those terms in the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

SEC. 2243. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended—

(1) in subsection (a)—

(A) by striking ''Foreign Affairs'' and inserting ''International Relations and the Committee on Appropriations''; and

(B) by inserting ''and the Committee on Appropriations'' after ''Foreign Relations''; and

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

''(c) The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.''.

SEC. 2244. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking ''For purposes'' and inserting ''Notwithstanding any other provision of law, for purposes''; and

(B) by striking ''fiscal year 1997'' and inserting ''fiscal years 1997 and 1998''; and

(2) by amending subsection (b) to read as follows:

''(b) ALIENS COVERED.—

''(1) IN GENERAL.— An alien described in this subsection is an alien who—

''(A) is the son or daughter of a qualified national;

''(B) is 21 years of age or older; and

''(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

''(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

''(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

''(ii) is the widow or widower of an individual described in clause (i); and

''(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

''(ii) on or after April 1, 1995, is or has been accepted—

''(I) for resettlement as a refugee; or

''(II) for admission as an immigrant under the Orderly Departure Program.''.

SEC. 2245. REPORTS TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary of State shall supplement the monthly report to Congress entitled ''Update on Monitoring of Cuban Migrant Returnees'' with additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

TITLE XXIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 2301. COORDINATOR FOR COUNTERTERRORISM.

(a) ESTABLISHMENT.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

''(f) COORDINATOR FOR COUNTERTERRORISM.—

''(1) IN GENERAL.—There is within the office of the Secretary of State a Coordinator for Counterterrorism (in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) DUTIES.—

''(A) IN GENERAL.—The Coordinator shall perform such duties and exercise such powers as the Secretary of State shall prescribe.

''(B) DUTIES DESCRIBED.—The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

''(3) RANK AND STATUS OF AMBASSADOR.—The Coordinator shall have the rank and status of Ambassador at Large.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking subsection (e).

SEC. 2302. ELIMINATION OF DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.

Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

SEC. 2303. PERSONNEL MANAGEMENT.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended by adding at the end the following new subsection:

''(g) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.''.

SEC. 2304. DIPLOMATIC SECURITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended by adding at the end the following new subsection:

''(h) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (1) management, and (2) Federal law enforcement, intelligence, or security.''.

SEC. 2305. NUMBER OF SENIOR OFFICIAL POSITIONS AUTHORIZED FOR THE DEPARTMENT OF STATE.

(a) UNDER SECRETARIES.—

(1) IN GENERAL.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended by striking ''5'' and inserting ''6''.

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking ''Under Secretaries of State (5)'' and inserting ''Under Secretaries of State (6)''.

(b) ASSISTANT SECRETARIES.—

(1) IN GENERAL.—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended by striking ''20'' and inserting ''24''.

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of State (20)'' and inserting ''Assistant Secretaries of State (24)''.

(c) DEPUTY ASSISTANT SECRETARIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 2306. NOMINATION OF UNDER SECRETARIES AND ASSISTANT SECRETARIES OF STATE.

(a) UNDER SECRETARIES OF STATE.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this division, is further amended by adding at the end the following new paragraph:

''(4) NOMINATION OF UNDER SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the particular Under Secretary position in the Department of State that the individual shall have.''.

(b) ASSISTANT SECRETARIES OF STATE.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this division, is further amended by adding at the end the following new paragraph:

''(3) NOMINATION OF ASSISTANT SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the regional or functional bureau or bureaus of the Department of State with respect to which the individual shall have responsibility.''.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 2311. FOREIGN SERVICE REFORM.

(a) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking ''Members'' and inserting ''Subject to subsection (e), members''; and

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

''(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of any member of the Foreign Service described in subsection (a) (including any member of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.''.

(b) EXPEDITED SEPARATION OUT.—

(1) SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, any member of the Foreign Service ranked by promotion boards of the Department of State in the bottom 5 percent of his or her class for 2 or more of the 5 years preceding the date of enactment of this Act (in this subsection referred to as the ''years of lowest ranking'') if the rating official for such member was not the same individual for any two of the years of lowest ranking.

(2) SPECIAL INTERNAL REVIEWS.—In any case where the member was evaluated by the same rating official in any 2 of the years of lowest ranking, an internal review of the member's file shall be conducted to determine whether the member should be considered for action leading to separation.

(3) PROCEDURES.—The Secretary of State shall develop procedures for the internal reviews required under paragraph (2).

SEC. 2312. RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION.

(a) BENEFITS.—Section 609 of the Foreign Service Act of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A), by inserting ''or any other applicable provision of chapter 84 of title 5, United States Code,'' after ''section 811'';

(2) in subsection (a), by inserting ''or section 855, as appropriate'' after ''section 806''; and

(3) in subsection (b)(2)—

(A) by striking ''(2)'' and inserting ''(2)(A) for those participants in the Foreign Service Retirement and Disability System,''; and

(B) by inserting before the period at the end ''; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851''; and

(4) in subsection (b) in the matter following paragraph (2), by inserting ''(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)'' after ''age 60''.

(b) ENTITLEMENT TO ANNUITY.—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1)—

(A) by inserting ''611,'' after ''608,'';

(B) by inserting ''or for participants in the Foreign Service Pension System,'' after ''for participants in the Foreign Service Retirement and Disability System''; and

(C) by striking ''Service shall'' and inserting ''Service, shall''; and

(2) in paragraph (3), by striking ''or 610'' and inserting ''610, or 611''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1)(A) and (2) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 on or after January 1, 1996.

SEC. 2313. AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM THE FOREIGN SERVICE.

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking ''A member'' and inserting ''Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member''.

SEC. 2314. CAREER COUNSELING.

(a) IN GENERAL.—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following new sentence: ''Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment that consists primarily of paid time to conduct a job search and without other substantive duties for more than one month.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective 180 days after the date of the enactment of this Act.

SEC. 2315. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

''(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include—

''(A) any chief of mission;

''(B) any principal officer or deputy principal officer;

''(C) any administrative or personnel officer abroad; or

''(D) any individual described in section 1002(12) (B), (C), or (D) who is not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.''.

SEC. 2316. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.

(a) IN GENERAL.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) For purposes of this section, the term 'criminal investigator' includes a special agent occupying a position under title II of Public Law 99–399 if such special agent—

''(A) meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof); and

''(B) such special agent satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

''(2) In applying subsection (h) with respect to a special agent under this subsection—

''(A) any reference in such subsection to 'basic pay' shall be considered to include amounts designated as 'salary';

''(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

''(C) paragraph (2)(B) of such subsection shall be applied by substituting for 'Office of Personnel Management' the following: 'Office of Personnel Management or the Secretary of State (to

the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.''.

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking ''Public Law 99–399)'' and inserting ''Public Law 99–399, subject to subsection (k))''.

(2) Section 5542(e) of such title is amended by striking ''title 18, United States Code,'' and inserting ''title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

SEC. 2317. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: ''For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.''; and

(2) at the end of section 5546(a), by adding the following new sentence: ''For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.''.

SEC. 2318. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.

The Secretary of State shall during each of calendar years 1998 and 1999 submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data for the last preceding examination and promotion cycles for which such information is available (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written Foreign Service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written Foreign Service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral Foreign Service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.

(5) The numbers and percentages of all minority Foreign Service officers at each grade.

(6) The numbers of and percentages of minorities promoted at each grade of the Foreign Service officer corps.

TITLE XXIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 2401. INTERNATIONAL INFORMATION ACTIVITIES AND EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL INFORMATION PROGRAM.—For ''International Information Program'', $431,000,000 for the fiscal year 1998.

(2) TECHNOLOGY FUND.—For the ''Technology Fund'' for the United States Information Agency, $6,350,000 for the fiscal year 1998.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—There are authorized to be appropriated for the ''Fulbright Academic Exchange Programs'' (other than programs described in subparagraph (B)), $99,236,000 for the fiscal year 1998.

(ii) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under clause (i), $5,000,000 for the fiscal year 1998 is authorized to be available for the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—There are authorized to be appropriated for other educational and cultural exchange programs authorized by law, $103,495,000 for the fiscal year 1998.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for ''South Pacific Exchanges''.

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for ''East Timorese Scholarships''.

(iv) TIBETAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for ''Educational and Cultural Exchanges with Tibet'' under section 236 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''International Broadcasting Operations'', $364,415,000 for the fiscal year 1998.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Broadcasting Board of Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For ''Radio Construction'', $40,000,000 for the fiscal year 1998.

(6) RADIO FREE ASIA.—For ''Radio Free Asia'', $22,000,000 for the fiscal year 1998 and an additional $8,000,000 in fiscal year 1998 for one-time capital costs.

(7) BROADCASTING TO CUBA.—For ''Broadcasting to Cuba'', $22,095,000 for the fiscal year 1998.

(8) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the ''Center for Cultural and Technical Interchange between East and West'', $12,000,000 for the fiscal year 1998.

(9) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the ''National Endowment for Democracy'', $30,000,000 for the fiscal year 1998.

(10) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.—For ''Center for Cultural and Technical Interchange between North and South'' $1,500,000 for the fiscal year 1998.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

SEC. 2411. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement, and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned may be obligated and expended for the purposes for which the grant was made without further appropriation.

SEC. 2412. USE OF SELECTED PROGRAM FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended to read as follows:

''USE OF ENGLISH-TEACHING PROGRAM FEES

''SEC. 810. (a) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other law or limitation of authority, fees and receipts described in subsection (b) are authorized to be credited each fiscal year for authorized purposes to the appropriate appropriations of the United States Information Agency to such extent as may be provided in advance in appropriations acts.

''(b) FEES AND RECEIPTS DESCRIBED.—The fees and receipts described in this subsection are fees and payments received by or for the use of the United States Information Agency from or in connection with—

''(1) English-teaching and library services,

''(2) educational advising and counseling,

''(3) Exchange Visitor Program Services,

''(4) advertising and business ventures of the Voice of America and the International Broadcasting Bureau,

''(5) cooperating international organizations, and

''(6) Agency-produced publications,

''(7) an amount not to exceed $100,000 of the payments from motion picture and television programs produced or conducted by or on behalf of the Agency under the authority of this Act or the Mutual Education and Cultural Exchange Act of 1961.''.

SEC. 2413. MUSKIE FELLOWSHIP PROGRAM.

(a) GUIDELINES.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended by inserting ''journalism and communications, education administration, public policy, library and information science,'' after ''business administration,'' each of the two places it appears.

(b) REDESIGNATION OF SOVIET UNION.—Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsections (a), (b), and (c)(5), by striking ''Soviet Union'' each place it appears and inserting ''independent states of the former Soviet Union'';

(2) in subsection (c)(11), by striking ''Soviet republics'' and inserting ''independent states of the former Soviet Union''; and

*(3) in the section heading, by inserting ''**INDEPENDENT STATES OF THE FORMER**'' after ''**FROM THE**''.*

SEC. 2414. WORKING GROUP ON UNITED STATES GOVERNMENT-SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

''(g) WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government-Sponsored International Exchanges and Training (in this section referred to as the 'Working Group').

''(2) For purposes of this subsection, the term 'Government-sponsored international exchanges and training' means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

''(3) The Working Group shall be composed as follows:

''(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

''(B) A senior representative of the Department of State, who shall be designated by the Secretary of State.

''(C) A senior representative of the Department of Defense, who shall be designated by the Secretary of Defense.

''(D) A senior representative of the Department of Education, who shall be designated by the Secretary of Education.

''(E) A senior representative of the Department of Justice, who shall be designated by the Attorney General.

''(F) A senior representative of the Agency for International Development, who shall be designated by the Administrator of the Agency.

''(G) Senior representatives of such other departments and agencies as the Chair determines to be appropriate.

''(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the Adviser and the Director, respectively.

''(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

''(6) The Working Group shall have the following purposes and responsibilities:

''(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

''(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

''(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs, to identify how each Government-sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

''(D)(i) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall develop a coordinated and cost-effective strategy for all United States Government-sponsored international exchange and training programs, including an action plan with the objective of achieving a minimum of 10 percent cost savings through greater efficiency, the consolidation of programs, or the elimination of duplication, or any combination thereof.

''(ii) Not later than 1 year after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall submit a report to the appropriate congressional committees setting forth the strategy and action plan required by clause (i).

''(iii) Each year thereafter the Working Group shall assess the strategy and plan required by clause (i).

''(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommendations on common performance measures for all United States Government-sponsored international exchange and training programs, and to issue a report.

''(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

''(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility and advisability of transferring funds and program management for the ATLAS or the Mandela Fellows programs, or both, in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost effects of consolidating such programs under one entity.

''(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

''(8) The Working Group shall meet at least on a quarterly basis.

''(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

''(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

''(11) With respect to any report issued under paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.''.

SEC. 2415. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) IN GENERAL.—Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended—

(1) by striking ''for fiscal year 1997'' and inserting ''for each of the fiscal years 1998 and 1999''; and

(2) by inserting after ''who are outside Tibet'' the following: ''(if practicable, including individuals active in the preservation of Tibet's unique culture, religion, and language)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1997.

SEC. 2416. UNITED STATES-JAPAN COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) ELIMINATION OF RESTRICTION.—Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking ''needed, except'' and all that follows through ''United States'' and inserting ''needed''.

(2) AUTHORIZED INVESTMENTS.—The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: ''Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.''.

(b) REDESIGNATION OF COMMISSION.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Commission shall be redesignated as the ''United States-Japan Commission''. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) CONFORMING AMENDMENT.—The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

''UNITED STATES-JAPAN COMMISSION''.

(3) CONFORMING AMENDMENT.—The Japan-United States Friendship Act is amended by striking ''Japan-United States Friendship Commission'' each place such term appears and inserting ''United States-Japan Commission''.

(c) REDESIGNATION OF TRUST FUND.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Trust Fund shall be redesignated as the ''United States-Japan Trust Fund''. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.

(2) CONFORMING AMENDMENT.—Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking ''Japan-United States Friendship Trust Fund'' and inserting ''United States-Japan Trust Fund''.

SEC. 2417. SURROGATE BROADCASTING STUDY.

Not later than 6 months after the date of enactment of this Act, the Broadcasting Board of Governors, acting through the International Broadcasting Bureau, should conduct and complete a study of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

SEC. 2418. RADIO BROADCASTING TO IRAN IN THE FARSI LANGUAGE.

(a) RADIO FREE IRAN.—Not more than $4,000,000 of the funds made available under section 2401(4) of this division for the fiscal year 1998 for grants to RFE/RL, Incorporated, shall be available only for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iranian people in the Farsi language, such broadcasts to be designated as ''Radio Free Iran''.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing the costs, implementation, and plans for creation of the surrogate broadcasting service described in subsection (a).

(c) AVAILABILITY OF FUNDS.—None of the funds made available under subsection (a) may be made available until submission of the report required under subsection (b).

SEC. 2419. AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 2420. PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking paragraph (4).

SEC. 2421. VOICE OF AMERICA BROADCASTS.

(a) IN GENERAL.—The Voice of America shall devote programming each day to broadcasting information on the individual States of the United States. The broadcasts shall include—

(1) information on the products, tourism, and cultural and educational facilities of each State;

(2) information on the potential for trade with each State; and

(3) discussions with State officials with respect to the matters described in paragraphs (1) and (2).

(b) REPORT.—Not later than July 1, 1998, the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

(c) STATE DEFINED.—In this section, the term ''State'' means any of the several States of the United States, the District of Columbia, or any commonwealth or territory of the United States.

TITLE XXV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS

SEC. 2501. INTERNATIONAL CONFERENCES AND CONTINGENCIES.

There are authorized to be appropriated for ''International Conferences and Contingencies'', $12,000,000 for the fiscal year 1998 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 2502. RESTRICTION RELATING TO UNITED STATES ACCESSION TO ANY NEW INTERNATIONAL CRIMINAL TRIBUNAL.

(a) PROHIBITION.—The United States shall not become a party to any new international criminal tribunal, nor give legal effect to the jurisdiction of such a tribunal over any matter described in subsection (b), except pursuant to—

(1) a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act; or

(2) any statute enacted by Congress on or after the date of enactment of this Act.

(b) JURISDICTION DESCRIBED.—The jurisdiction described in this subsection is jurisdiction over—

(1) persons found, property located, or acts or omissions committed, within the territory of the United States; or

(2) nationals of the United States, wherever found.

(c) STATUTORY CONSTRUCTION.—Nothing in this section precludes sharing information, expertise, or other forms of assistance with such tribunal.

(d) DEFINITION.—The term ''new international criminal tribunal'' means any permanent international criminal tribunal established on or after the date of enactment of this Act and does not include—

(1) the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993; or

(2) the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

SEC. 2503. UNITED STATES MEMBERSHIP IN THE BUREAU OF THE INTERPARLIAMENTARY UNION.

(a) INTERPARLIAMENTARY UNION LIMITATION.—Unless the Secretary of State certifies to Congress that the United States will be assessed not more than $500,000 for its annual contribution to the Bureau of the Interparliamentary Union during fiscal year 1998, then effective October 1, 1998, the authority for further participation by the United States in the Bureau shall terminate in accordance with subsection (d).

(b) ELIMINATION OF AUTHORITY TO PAY EXPENSES OF THE AMERICAN GROUP.—Section 1 of the Act entitled ''An Act to authorize participation by the United States in the Interparliamentary Union'', approved June 28, 1935 (22 U.S.C. 276) is amended—

(1) in the first sentence—

(A) by striking ''fiscal year'' and all that follows through ''(1) for'' and inserting ''fiscal year for'';

(B) by striking ''; and''; and

(C) by striking paragraph (2); and

(2) by striking the second sentence.

(c) ELIMINATION OF PERMANENT APPROPRIATION.—Section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988 (Public Law 100–202; 22 U.S.C. 276 note)) is amended—

(1) by striking ''$440,000'' and inserting ''$350,000''; and

(2) by striking ''paragraph (2) of the first section of Public Law 74–170,''.

(d) CONDITIONAL TERMINATION OF AUTHORITY.—Unless Congress receives the certification described in subsection (a) before October 1, 1998, effective on that date the Act entitled ''An Act to authorize participation by the United States in the Interparliamentary Union'', approved June 28, 1935 (22 U.S.C. 276–276a–4) is repealed.

(e) TRANSFER OF FUNDS TO THE TREASURY.—Unobligated balances of appropriations made under section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988; Public Law 100–202) that are available as of the day before the date of enactment of this Act shall be transferred on such date to the general fund of the Treasury of the United States.

SEC. 2504. SERVICE IN INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: ''On reemployment, an employee entitled to the benefits of subsection (a) is entitled to the rate of basic pay to which the employee would have been entitled had the employee remained in the civil service. On reemployment, the agency shall restore the sick leave account of the employee, by credit or charge, to its status at the time of transfer. The period of separation caused by the employment of the employee with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transfers that take effect on or after the date of enactment of this Act.

SEC. 2505. REPORTS REGARDING FOREIGN TRAVEL.

(a) PROHIBITION.—Except as provided in subsection (e), none of the funds authorized to be appropriated by this division may be used to pay for the expenses of foreign travel by an officer or employee of an Executive branch agency to attend an international conference, or for the routine services that a United States diplomatic mission or consular post provides in support of foreign travel by such an officer or employee to attend an international conference, unless that officer or employee has submitted a preliminary report with respect to that foreign travel in accordance with subsection (b), and has not previously failed to submit a final report with respect to foreign travel to attend an international conference required by subsection (c).

(b) PRELIMINARY REPORTS.—A preliminary report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to proposed foreign travel to attend an international conference, submitted to the Director prior to commencement of the travel, setting forth—

(1) the name and employing agency of the officer or employee;

(2) the name of the official who authorized the travel; and

(3) the purpose and duration of the travel.

(c) FINAL REPORTS.—A final report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to foreign travel to attend an international conference, submitted to the Director not later than 30 days after the conclusion of the travel—

(1) setting forth the actual duration and cost of the travel; and

(2) updating any other information included in the preliminary report.

(d) REPORTS TO CONGRESS.—The Director shall submit a report no later than October 1 and April 1 of each year to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives, setting forth with respect to each international conference for which reports described in subsection (c) were required to be submitted to the Director during the preceding six months—

(1) the names and employing agencies of all officers and employees of Executive branch agencies who attended the international conference;

(2) the names of all officials who authorized travel to the international conference, and the total number of officers and employees who were authorized to travel to the conference by each such official; and

(3) the total cost of travel by officers and employees of Executive branch agencies to the international conference.

(e) EXCEPTIONS.—This section shall not apply to travel by—

(1) the President or the Vice President; or

(2) any officer or employee who is carrying out an intelligence or intelligence-related activity, who is performing a protective function, or who is engaged in a sensitive diplomatic mission.

(f) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of International Conferences of the Department of State.

(2) EXECUTIVE BRANCH AGENCY.—The terms ''Executive branch agency'' and ''Executive branch agencies'' mean—

(A) an entity or entities, other than the General Accounting Office, defined in section 105 of title 5, United States Code; and

(B) the Executive Office of the President (except as provided in subsection (e)).

(3) INTERNATIONAL CONFERENCE.—The term ''international conference'' means any meeting held under the auspices of an international organization or foreign government, at which representatives of more than two foreign governments are expected to be in attendance, and to which United States Executive branch agencies will send a total of ten or more representatives.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the total Federal expenditure of all official international travel in each Executive branch agency during the previous fiscal year; and

(2) the total number of individuals in each agency who engaged in such travel.

TITLE XXVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 2601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act $41,500,000 for the fiscal year 1998.

SEC. 2602. STATUTORY CONSTRUCTION.

Section 303 of the Arms Control and Disarmament Act (22 U.S.C. 2573), as redesignated by section 1223 of this division, is amended by adding at the end the following new subsection:

''(c) STATUTORY CONSTRUCTION.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.''.

TITLE XXVII—EUROPEAN SECURITY ACT OF 1997

SEC. 2701. SHORT TITLE.

This title may be cited as the ''European Security Act of 1997''.

SEC. 2702. STATEMENT OF POLICY.

(a) POLICY WITH RESPECT TO NATO ENLARGEMENT.—Congress urges the President to outline a clear and complete strategic rationale for the enlargement of the North Atlantic Treaty Organization (NATO), and declares that—

(1) Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO;

(2) the United States should ensure that NATO continues a process whereby all other emerging democracies in Central and Eastern Europe that wish to join NATO will be considered for membership in NATO as soon as they meet the criteria for such membership;

(3) the United States should ensure that no limitations are placed on the numbers of NATO troops or types of equipment, including tactical nuclear weapons, to be deployed on the territory of new member states;

(4) the United States should reject all efforts to condition NATO decisions on review or approval by the United Nations Security Council;

(5) the United States should clearly delineate those NATO deliberations, including but not limited to discussions on arms control, further Alliance enlargement, procurement matters, and strategic doctrine, that are not subject to review or discussion in the NATO-Russia Permanent Joint Council;

(6) the United States should work to ensure that countries invited to join the Alliance are provided an immediate seat in NATO discussions; and

(7) the United States already pays more than a proportionate share of the costs of the common defense of Europe and should obtain, in advance, agreement on an equitable distribution of the cost of NATO enlargement to ensure that the United States does not continue to bear a disproportionate burden.

(b) POLICY WITH RESPECT TO NEGOTIATIONS WITH RUSSIA.—

(1) IMPLEMENTATION.—NATO enlargement should be carried out in such a manner as to underscore the Alliance's defensive nature and demonstrate to Russia that NATO enlargement will enhance the security of all countries in Europe, including Russia. Accordingly, the United States and its NATO allies should make this intention clear in negotiations with Russia, including negotiations regarding adaptation of the Conventional Armed Forces in Europe (CFE) Treaty of November 19, 1990.

(2) LIMITATIONS ON COMMITMENTS TO RUSSIA.—In seeking to demonstrate to Russia NATO's defensive and security-enhancing intentions, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized. In particular, no commitments should be made to Russia that would have the effect of—

(A) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(B) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(C) providing any international organization, or any country that is not a member of NATO, with authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO;

(D) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance;

(E) establishing a nuclear weapons-free zone in Central or Eastern Europe;

(F) requiring NATO to subsidize Russian arms sales, service, or support to the militaries of those former Warsaw Pact countries invited to join the Alliance; or

(G) legitimizing Russian efforts to link concessions in arms control negotiations to NATO enlargement.

(3) COMMITMENTS FROM RUSSIA.—In order to enhance security and stability in Europe, the United States should seek commitments from Russia—

(A) to demarcate and respect all its borders with neighboring states;

(B) to achieve the immediate and complete withdrawal of any armed forces and military equipment under the control of Russia that are deployed on the territories of the independent states of the former Soviet Union without the full and complete agreement of those states;

(C) to station its armed forces on the territory of other states only with the full and complete agreement of that state and in strict accordance with international law; and

(D) to take steps to reduce further its nuclear and conventional forces in Kaliningrad.

(4) CONSULTATIONS.—As negotiations on adaptation of the Treaty on Conventional Armed Forces in Europe proceed, the United States should engage in close and continuous consultations not only with its NATO allies, but also with the emerging democracies of Central and Eastern Europe, Ukraine, and the South Caucasus.

(c) POLICY WITH RESPECT TO BALLISTIC MISSILE DEFENSE COOPERATION.—

(1) IN GENERAL.—As the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning.

(2) DISCUSSIONS WITH NATO ALLIES.—The United States should initiate discussions with its NATO allies for the purpose of examining the feasibility of deploying a ballistic missile defense capable of protecting NATO's southern and eastern flanks from a limited ballistic missile attack.

(3) CONSTITUTIONAL PREROGATIVES.—Even as the Congress seeks to promote ballistic missile defense cooperation with Russia, it must insist on its constitutional prerogatives regarding consideration of arms control agreements with Russia that bear on ballistic missile defense.

SEC. 2703. AUTHORITIES RELATING TO NATO ENLARGEMENT.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2702(a).

(b) DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.—

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) SENSE OF CONGRESS.—It is the sense of Congress that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

(c) REGIONAL AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Funds described in paragraph (2) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(A) the procurement of items in support of these programs; and

(B) the transfer of such items to countries participating in these programs.

(2) FUNDS DESCRIBED.—Funds described in this paragraph are funds that are available—

(A) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(B) during fiscal year 1998 under any Act to carry out the Warsaw Initiative.

(d) EXTENSION OF AUTHORITY REGARDING EXCESS DEFENSE ARTICLES.—Section 105 of Public Law 104-164 (110 Stat. 1427) is amended by striking ''1996 and 1997'' and inserting ''1997, 1998, and 1999''.

(e) CONFORMING AMENDMENTS TO THE NATO PARTICIPATION ACT OF 1994.—Section 203(c) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) is amended—

(1) in paragraph (1), by striking '', without regard to the restrictions'' and all that follows through ''section)'';

(2) by striking paragraph (2);

(3) in paragraph (6), by striking ''appropriated under the 'Nonproliferation and Disarmament Fund' account'' and inserting ''made available for the 'Nonproliferation and Disarmament Fund' ''; and

(4) in paragraph (8)—

(A) by striking ''any restrictions in sections 516 and 519'' and inserting ''section 516(e)'';

(B) by striking ''as amended,''; and

(C) by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)''; and

(5) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively.

SEC. 2704. SENSE OF CONGRESS WITH RESPECT TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

It is the sense of Congress that no revisions to the Treaty on Conventional Armed Forces in Europe will be approved for entry into force with respect to the United States that jeopardize fundamental United States security interests in Europe or the effectiveness and flexibility of NATO as a defensive alliance by—

(1) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(2) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(3) providing any international organization, or any country that is not a member of NATO, with the authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO; or

(4) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance.

SEC. 2705. RESTRICTIONS AND REQUIREMENTS RELATING TO BALLISTIC MISSILE DEFENSE.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2702(c).

(b) RESTRICTION ON ENTRY INTO FORCE OF ABM/TMD DEMARCATION AGREEMENTS.—An ABM/TMD demarcation agreement shall not be binding on the United States, and shall not enter into force with respect to the United States, unless, after the date of enactment of this Act, that agreement is specifically approved with the advice and consent of the United States Senate pursuant to Article II, section 2, clause 2 of the Constitution.

(c) SENSE OF CONGRESS WITH RESPECT TO DEMARCATION AGREEMENTS.—

(1) RELATIONSHIP TO MULTILATERALIZATION OF ABM TREATY.—It is the sense of Congress that no ABM/TMD demarcation agreement will be considered for advice and consent to ratification unless, consistent with the certification of the President pursuant to condition (9) of the resolution of ratification of the CFE Flank Document, the President submits for Senate advice and consent to ratification any agreement, arrangement, or understanding that would—

(A) add one or more countries as State Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or

(B) change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term ''national territory'' as used in Article VI and Article IX of the ABM Treaty.

(2) PRESERVATION OF UNITED STATES THEATER BALLISTIC MISSILE DEFENSE POTENTIAL.—It is the sense of Congress that no ABM/TMD demarcation agreement that would reduce the capabilities of United States theater missile defense systems, or the numbers or deployment patterns of such systems, will be approved for entry into force with respect to the United States.

(d) REPORT ON COOPERATIVE PROJECTS WITH RUSSIA.—Not later than January 1, 1998, January 1, 1999, and January 1, 2000, the President shall submit to the Committees on International Relations, National Security, and Appropriations of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate a report on cooperative projects with Russia in the area of ballistic missile defense, including in the area of early warning. Each such report shall include the following:

(1) COOPERATIVE PROJECTS.—A description of all cooperative projects conducted in the area of early warning and ballistic missile defense during the preceding fiscal year and the fiscal year during which the report is submitted.

(2) FUNDING.—A description of the funding for such projects during the preceding fiscal year and the year during which the report is submitted and the proposed funding for such projects for the next fiscal year.

(3) STATUS OF DIALOGUE OR DISCUSSIONS.—A description of the status of any dialogue or discussions conducted during the preceding fiscal year between the United States and Russia aimed at exploring the potential for mutual accommodation of outstanding issues between the two nations on matters relating to ballistic missile defense and the ABM Treaty, including the possibility of developing a strategic relationship not based on mutual nuclear threats.

(e) DEFINITIONS.—In this section:

(1) ABM/TMD DEMARCATION AGREEMENT.—The term ''ABM/TMD demarcation agreement'' means any agreement that establishes a demarcation between theater ballistic missile defense systems and strategic antiballistic missile defense systems for purposes of the ABM Treaty.

(2) ABM TREATY.—The term ''ABM Treaty'' means the Treaty Between the United States of American and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972 (23 UST 3435), and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974 (27 UST 1645).

TITLE XXVIII—MISCELLANEOUS PROVISIONS

SEC. 2801. REPORT ON RELATIONS WITH VIETNAM.

In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary of State shall submit a report to the appropriate congressional committees, not later than 90 days after the date of enactment of this Act and every 180 days thereafter during the period ending September 30, 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved cases of prisoners of war (POWs) or persons missing-in-action (MIAs) through the provision of records and the unilateral and joint recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101–167).

SEC. 2802. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act and every 3 months thereafter during the period ending September 30, 1999, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091). Each report shall include—

(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to that section;

(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to that section;

(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to that section;

(4) an explanation of the status of the review underway for the cases referred to in paragraph (1); and

(5) an unclassified explanation of each determination of the Secretary of State under section 401(a) of that Act and each finding of the Secretary under section 401(c) of that Act—

(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

(B) in the preceding 3-month period, in the case of each subsequent report.

(b) PROTECTION OF IDENTITY OF CONCERNED ENTITIES.—In preparing the report under subsection (a), the names of entities shall not be identified under paragraph (1) or (4).

SUBDIVISION 3—UNITED NATIONS REFORM

TITLE XXX—GENERAL PROVISIONS

SEC. 3001. SHORT TITLE.

This subdivision may be cited as the ''United Nations Reform Act of 1997''.

SEC. 3002. DEFINITIONS.

In this subdivision:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) DESIGNATED SPECIALIZED AGENCY DEFINED.—The term ''designated specialized agency'' means the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) GENERAL ASSEMBLY.—The term ''General Assembly'' means the General Assembly of the United Nations.

(4) SECRETARY GENERAL.—The term ''Secretary General'' means the Secretary General of the United Nations.

(5) SECURITY COUNCIL.—The term ''Security Council'' means the Security Council of the United Nations.

(6) UNITED NATIONS MEMBER.—The term ''United Nations member'' means any country that is a member of the United Nations.

(7) UNITED NATIONS PEACEKEEPING OPERATION.—The term ''United Nations peacekeeping operation'' means any United Nations-led operation to maintain or restore international peace or security that—

(A) is authorized by the Security Council; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

SEC. 3003. NONDELEGATION OF CERTIFICATION REQUIREMENTS.

The Secretary of State may not delegate the authority in this subdivision to make any certification.

TITLE XXXI—AUTHORIZATION OF APPROPRIATIONS

SEC. 3101. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading ''Contributions to International Organizations'' $938,000,000 for the fiscal year 1998 and $900,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) NO GROWTH BUDGET.—

(1) FISCAL YEAR 1998.—Of the funds made available for fiscal year 1998 under subsection (a), $80,000,000 may be made available only after the Secretary of State certifies that the United Nations has taken no action during calendar year 1997 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget of $2,603,290,900 for the biennieum 1996–97 adopted in December 1996.

(2) FISCAL YEAR 1999.—Of the funds made available for fiscal year 1999 under subsection (a), $80,000,000 may be made available only after the Secretary of State certifies that the United Nations has taken no action during calendar year 1998 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget of $2,533,000,000 and cause the United Nations to exceed that budget.

(c) INSPECTOR GENERAL OF THE UNITED NATIONS.—

(1) WITHHOLDING OF FUNDS.—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) CERTIFICATION.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) ACTION BY THE UNITED NATIONS.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), as amended by paragraph (3);

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Service to report directly to the Secretary General on the adequacy of the Office's resources to enable the Office to fulfill its mandate; and

(iii) has made available an adequate amount of funds to the Office for carrying out its functions.

(B) AUTHORITY OF OIOS.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified, in writing, of that authority.

(3) AMENDMENT OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995.—Section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended—

(A) by amending paragraph (6) to read as follows:

''(6) the United Nations has procedures in place to ensure that all reports submitted by the Office of Internal Oversight Service are made available to the member states of the United Nations without modification except to the extent necessary to protect the privacy rights of individuals.''; and

(B) by striking ''Inspector General'' each place it appears and inserting ''Office of Internal Oversight Service''.

(d) PROHIBITION ON CERTAIN GLOBAL CONFERENCES.—None of the funds made available under subsection (a) shall be available for any United States contribution to pay for any expenses related to the holding of a United Nations Global Conference.

(e) REDUCTION IN NUMBER OF POSTS.—

(1) FISCAL YEAR 1998.—Of the funds authorized to be appropriated for fiscal year 1998 for the United Nations by subsection (a), $50,000,000 shall be withheld from obligation and expenditure until the Secretary of State certifies to Congress that the number of posts authorized under the 1998–99 regular budget of the United Nations, and authorized by the General Assembly, has resulted in a net reduction of at least 1,000 posts from the 10,012 posts authorized under the 1996–97 United Nations biennium budget, as a result of a suppression of that number of posts.

(2) FISCAL YEAR 1999.—Not later than October 1, 1998, the Secretary of State shall submit a report to the appropriate congressional committees specifying—

(A) the budget savings associated with the reduction of the 1,000 posts specified in paragraph (1), including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those savings;

(B) the vacancy rates for United Nations professional and general service staff contained in the United Nations biennium budget for 1998–99, including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those vacancy rates; and

(C) the goals of the United States for further staff reductions and associated budget savings for the 1998–99 United Nations biennium budget.

(f) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—None of the funds made available for the 1998-1999 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, and the 1998 Desertification Convention.

(g) LIMITATIONS FOR FISCAL YEARS 1999 AND 2000.—

(1) IN GENERAL.—The total amount of funds made available for all United States memberships in international organizations under the heading ''Contributions to International Organizations'' may not exceed $900,000,000 for each of fiscal years 1999 and 2000.

(2) CONSULTATIONS WITH CONGRESS.—The Secretary of State shall regularly consult with the appropriate congressional committees regarding the impact, if any, of the limitation in paragraph (1) on the maintenance of United States membership in such international organizations.

(h) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(i) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 3102. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading ''Contributions for International Peacekeeping Activities'' $220,000,000 for the fiscal year 1998 and $220,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(b) CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) CODIFICATION.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(A) in subsection (a), by striking the second sentence; and

(B) by striking subsection (e) and inserting the following:

''(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

''(1) CONSULTATIONS.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

''(2) INFORMATION TO BE PROVIDED.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

''(A) With respect to ongoing United Nations peacekeeping operations, the following:

''(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

''(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

''(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

''(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and the estimated costs to the United States of such changes.

''(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

''(i) The anticipated duration, mandate, the command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

''(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

''(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

''(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities

reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and an estimate of the cost to the United States of such assistance or support.

''(v) A reprogramming of funds pursuant to section 34 of the State Department Basic Authorities Act of 1956, submitted in accordance with the procedures set forth in such section, describing the source of funds that will be used to pay for the cost of the new United Nations peacekeeping operation, provided that such notification shall also be submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

''(3) FORM AND TIMING OF INFORMATION.—

''(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

''(B) TIMING.—

''(i) ONGOING OPERATIONS.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

''(ii) NEW OPERATIONS.—The information required under paragraph (2)(B) shall be submitted in writing with respect to each new United Nations peacekeeping operation not less than 15 days before the anticipated date of the vote on the resolution concerned unless the President determines that exceptional circumstances prevent compliance with the requirement to report 15 days in advance. If the President makes such a determination, the information required under paragraph (2)(B) shall be submitted as far in advance of the vote as is practicable.

''(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

''(A) where the authorized force strength is to be expanded;

''(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

''(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or significantly different functions.

''(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

''(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

''(i) IN GENERAL.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

''(ii) EXCEPTION.—This subparagraph does not apply to—

''(I) assistance having a value of less than $3,000,000 in the case of nonreimbursable assistance or less than $14,000,000 in the case of reimbursable assistance; or

''(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

''(B) QUARTERLY REPORTS.—

''(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

''(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

''(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

''(f) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term 'designated congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.''.

(2) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(c) RELATIONSHIP TO OTHER NOTICE REQUIREMENTS.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (b), is further amended by adding at the end the following:

''(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.''.

TITLE XXXII—UNITED NATIONS ACTIVITIES

SEC. 3201. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.

(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation's regional blocs.

(b) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) ANNUAL REPORTS.—On January 15 of each year, the Secretary of State shall submit a report to the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations; and

(3) steps taken by the United States to secure abolition by the United Nations of groups under subsection (b).

(d) ANNUAL CONSULTATION.—At the time of the submission of each annual report under subsection (c), the Secretary of State shall consult with the appropriate congressional committees on specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.

SEC. 3202. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

''SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

''(a) UNITED STATES COSTS.—The United States shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States in support of all United Nations peacekeeping operations.

''(b) UNITED NATIONS MEMBER COSTS.—The United States shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such operations.''.

SEC. 3203. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

''SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

''(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the President shall seek and obtain in a timely fashion a commitment from the United Nations to provide reimbursement to the United States from the United Nations whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

''(A) to the United Nations when the assistance is designed to facilitate or assist in carrying out an assessed peacekeeping operation;

''(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

''(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

''(2) EXCEPTIONS.—(A) The requirement in paragraph (1) shall not apply to—

''(i) goods and services provided to the United States Armed Forces;

''(ii) assistance having a value of less than $3,000,000 per fiscal year per operation;

''(iii) assistance furnished before the date of enactment of this section;

''(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members for similar assistance to United Nations peacekeeping operations; or

''(v) any assistance commitment made before the date of enactment of this Act if such commitment will not extend beyond January 1, 1998.

''(B) The requirements of subsection (d)(1)(B) shall not apply to the deployment of United States military forces when the President determines that such deployment is important to the security interests of the United States. The cost of such deployment shall be included in the data provided under section 554 of the Foreign Assistance Act of 1961.

''(3) FORM AND AMOUNT.—

''(A) AMOUNT.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

''(B) FORM.—Reimbursement under this subsection may include credits against the United States assessed contributions for United States peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

''(b) TREATMENT OF REIMBURSEMENTS.—

''(1) CREDIT.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

''(2) AVAILABILITY.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the

same conditions and limitations, as the appropriations with which merged.

''(c) COVERED ASSISTANCE.—Subsection (a) applies to assistance provided under the following provisions of law:

''(1) Sections 6 and 7 of this Act.

''(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

''(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

''(d) WAIVER.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—The President may authorize the furnishing of assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

''(B) CONGRESSIONAL NOTIFICATION.—When exercising the authorities of subparagraph (A), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

''(2) CONGRESSIONAL REVIEW.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notification.

''(3) SENATE PROCEDURES.—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

''(e) RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under subsection (a).

''(f) DEFINITION.—In this section, the term 'assistance' includes personnel, services, supplies, equipment, facilities, and other assistance if such assistance is provided by the Department of Defense or any other United States Government agency.''.

SEC. 3204. UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING OPERATIONS.

It shall be the policy of the United States—

(1) to ensure that major peacekeeping operations (in general, those comprised of more than 10,000 troops) authorized by the United Nations Security Council under Chapter VII of the United Nations Charter (or missions such as the United Nations Protection Force (UNPROFOR)) are undertaken by a competent regional organization or a multinational force, and not established as a peacekeeping operation under United Nations operational control which would be paid for by assessment of United Nations members;

(2) to consider, on a case-by-case basis, whether it is in the national interest of the United States to agree that smaller peacekeeping operations authorized by the United Nations Security Council under Chapter VII of the United Nations Charter and paid for by assessment of United Nations members (such as the United Nations Transitional Authority in Slavonia (UNTAES)) should be established as peacekeeping operations under United Nations operational control which would be paid for by assessment of United Nations members; and

(3) to oppose the establishment of United Nations peace operations approved by the General Assembly and funded out of the regular budget of the United Nations.

SEC. 3205. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

For the fiscal years 1998 and 1999, the President may withhold funds for the United States assessed contribution to the United Nations or to any of its specialized agencies in the same percentage and subject to the same requirements as are applicable to the withholding of funds under section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 3206. CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by inserting ''and the United Nations Industrial Development Organization'' after ''International Labor Organization''.

SEC. 3207. SENSE OF THE CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) all United Nations staff, including diplomats, should comply with binding United States Federal, State, and local court orders regarding child and spousal support obligations;

(2) the internal regulations of the United Nations allows—

(A) the United Nations to release staff salary information to the courts in spousal and child support cases;

(B) the Secretary General to authorize deduction of dependency related allowances from staff salary;

(C) the United Nations to cooperate with appropriate authorities to facilitate proper legal or judicial resolution of the family's claim.

(b) CONGRESSIONAL STATEMENT.—The Secretary of State should urge the United Nations to comply fully with regulations regarding compliance with child and spousal support obligations by United Nations personnel, in a timely manner and to the fullest extent possible.

TITLE XXXIII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

Subchapter A—Authorization of Appropriations; Obligation and Expenditure of Funds

SEC. 3301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States described in subsection (b) as of September 30, 1997—

(1) $100,000,000 for fiscal year 1998;

(2) $475,000,000 for fiscal year 1999; and

(3) $244,000,000 for fiscal year 2000.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations;

(2) to pay the United States share of United Nations peacekeeping operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) STATUTORY CONSTRUCTION.—For purposes of payments made pursuant to subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall not apply to United Nations peacekeeping operation assessments received by the United States prior to October 1, 1995.

SEC. 3302. OBLIGATION AND EXPENDITURE OF FUNDS.

(a) IN GENERAL.—Funds made available pursuant to section 3301 may be obligated and expended only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) OBLIGATION AND EXPENDITURE UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.—Subject to subsection (e), funds made available pursuant to section 3301 may be obligated and expended only in the following allotments and upon the following certifications:

(1) Amounts authorized to be appropriated for fiscal year 1998, upon the certification described in section 3311.

(2) Amounts authorized to be appropriated for fiscal year 1999, upon the certification described in section 3321.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 3331.

(c) ADVANCE CONGRESSIONAL NOTIFICATION.—Funds made available pursuant to section 3301 may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds.

(d) TRANSMITTAL OF CERTIFICATIONS.—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

(e) WAIVER AUTHORITY.—

(1) FISCAL YEAR 1999 FUNDS.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 3301 may be obligated or expended pursuant to subsection (b)(2) even if the Secretary of State cannot certify that one of the following three conditions has been satisfied:

(A) The condition described in section 3321(b)(1).

(B) The condition described in section 3321(b)(4).

(C) The condition described in section 3321(b)(5).

(2) FISCAL YEAR 2000 FUNDS.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 3301 may be obligated or expended pursuant to subsection (b)(3) even if the Secretary of State cannot certify that one of the following seven conditions has been satisfied: A condition described in paragraph (3), (4), (5), (6), (7), (8),or (9) of section 3331(b).

(3) REQUIREMENTS.—

(A) IN GENERAL.—The authority to waive a condition under paragraph (1) or (2) of this subsection may be exercised only if—

(i) the Secretary of State determines that substantial progress towards satisfying the condition has been made and that the expenditure of funds pursuant to that paragraph is important to the interests of the United States; and

(ii) the Secretary of State has notified, and consulted with, the appropriate congressional committees prior to exercising the authority.

(B) EFFECT ON SUBSEQUENT CERTIFICATION.—If the Secretary of State exercises the authority of paragraph (1) with respect to a condition, such condition shall be deemed to have been satisfied for purposes of making any certification under section 3331.

(4) ADDITIONAL REQUIREMENT.—If the authority to waive a condition under paragraph 1(A) is exercised, the Secretary shall notify the United Nations that the Congress does not consider the United States obligated to pay, and does not intend to pay, arrearages that have not been included in the contested arrearages account or other mechanism described in section 3321(b)(1).

SEC. 3303. FORGIVENESS OF AMOUNTS OWED BY THE UNITED NATIONS TO THE UNITED STATES.

(a) FORGIVENESS OF INDEBTEDNESS.—Subject to subsection (b), the President is authorized to forgive or reduce any amount owed by the United Nations to the United States as a reimbursement, including any reimbursement payable

under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945.

(b) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total of amounts forgiven or reduced under subsection (a) may not exceed $107,000,000.

(2) RELATION TO UNITED STATES ARREARAGES.—Amounts shall be forgiven or reduced under this section only to the same extent as the United Nations forgives or reduces amounts owed by the United States to the United Nations as of September 30, 1997.

(c) REQUIREMENTS.—The authority in subsection (a) shall be available only to the extent and in the amounts provided in advance in appropriations Acts.

(d) CONGRESSIONAL NOTIFICATION.—Before exercising any authority in subsection (a), the President shall notify the appropriate congressional committees in accordance with the same procedures as are applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date a certification is transmitted to the appropriate congressional committees under section 3331; or

(2) October 1, 1999.

Subchapter B—United States Sovereignty

SEC. 3311. CERTIFICATION REQUIREMENTS.

(a) CONTENTS OF CERTIFICATION.—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations does not exceed 22 percent for any single United Nations member.

(2) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(3) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(4) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(ii) the World Intellectual Property Organization; or

(iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(5) NO STANDING ARMY.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(6) NO INTEREST FEES.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(7) UNITED STATES REAL PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(8) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not, on or after October 1, 1984, paid its share of any interest costs made known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

Subchapter C—Reform of Assessments and United Nations Peacekeeping Operations

SEC. 3321. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 3311 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) CONTESTED ARREARAGES.—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of enactment of this Act with respect to which payments are not authorized by this division, and the failure to pay amounts specified in the account do not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the ''contested arrearages account''.

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR UNITED NATIONS PEACEKEEPING OPERATIONS.—The assessed share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.

(3) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET FOR THE DESIGNATED SPECIALIZED AGENCIES.—The share of the total of all assessed contributions for the regular budget of any designated specialized agency does not exceed 22 percent for any single United Nations member.

(4) REVIEW OF REGULAR BUDGET-FUNDED PEACE OPERATIONS.—The mandates of the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are reviewed annually by the Security Council, and are subject to the notification requirements pursuant to section 4(e) of the United Nations Participation Act of 1945, as amended by section 3102(b) of this division.

(5) PROCUREMENT.—

(A) PROHIBITION ON PUNITIVE ACTIONS.—The United Nations has implemented a system that prohibits punitive actions, such as suspension of contract eligibility, against contractors on the basis that they have challenged contract awards or complained about delayed payments.

(B) PUBLIC ANNOUNCEMENT OF CERTAIN CONTRACT AWARDS.—The United Nations has implemented a system for public announcement of the award of any contract over $100,000.

(C) NOTIFICATION OF UNSUCCESSFUL BIDDERS.—The United Nations has implemented a system to notify unsuccessful bidders for contracts and to provide an explanation upon request of the reason for rejection of their bids.

(D) PERIODIC REPORTING TO UNITED NATIONS MEMBERS.—The United Nations reports to all United Nations members on a regular basis the value and a brief description of local procurement contracts awarded in excess of $70,000.

Subchapter D—Budget and Personnel Reform

SEC. 3331. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the following conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 3311 and 3321 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any designated specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification except to the extent necessary to protect the privacy rights of individuals.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the systemwide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly and of programs of the designated specialized agencies in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each designated specialized agency has developed a standardized methodology for the evaluation of programs of designated specialized agencies, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—Consistent with the July 16, 1997, recommendations of the Secretary General of the United Nations regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General and the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term ''United Nations program approved by the General Assembly'' means a program approved by the General Assembly of the United Nations, which is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph, the term ''5 largest member contributors'' means the 5 United Nations member states that, during a United Nations budgetary biennium, have more total assessed contributions than any other United Nations member state to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peacekeeping operations.

(6) ACCESS BY THE GENERAL ACCOUNTING OFFICE.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data to assist the Office in performing nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations Charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations personnel.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison of that system with the United States civil service, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) REDUCTION IN BUDGET AUTHORITIES.—The designated specialized agencies have achieved a negative growth budget in their biennium budgets for 2000–01 from the 1998–99 biennium budget levels of the respective agencies.

(9) NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the agency's supplemental budget requests to the Secretariat in advance of expenditures under those requests.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 3341. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) and section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 3342. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER INTERNATIONAL ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this subdivision shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other international organization with respect to which Congress has rescinded funding.

THE RECIPROCAL TRADE AGREEMENT ACT OF 1997

MURRAY AMENDMENT NO. 1622

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill. S. 1269, supra; as follows:

At the appropriate place, insert the following:

SEC. . CONGRESSIONAL OVERSIGHT GROUPS.

(a) APPOINTMENT AND FUNCTIONS.—Not later than 30 days after the date on which the President provides notice under section 4(a)(1) of the President's intention to enter into negotiations with respect to a trade agreement—

(1) the Speaker of the House of Representatives, upon the recommendation of the chairman of the Committee on Ways and Means, shall appoint 5 members (not more than 3 of whom are members of the same political party) of such committee, and

(2) the President pro tempore of the Senate, upon the recommendation of the chairman of the Committee on Finance, shall appoint 5 members (not more than 3 of whom are members of the same political party) of such committee,

to serve as members of a Congressional Oversight Group for the negotiations. Each such member shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in the negotiations. Members of the Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, and the development of the trade agreement.

(b) ADDITIONAL MEMBERS.—

(1) AUTHORITY TO APPOINT.—In addition to the members designated under subsection (a) for a Congressional Oversight Group—

(A) the Speaker of the House of Representatives may appoint additional members of

the House from any other committee of the House or joint committee of Congress to serve as members of the Congressional Oversight Group; and

(B) the President pro tempore of the Senate may appoint additional members of the Senate from any other committee of the Senate or joint committee of Congress to serve as members of the Congressional Oversight Group.

Members of the House and Senate appointed under this paragraph shall be accredited by the United States Trade Representative.

(2) CONSULTATIONS.—Before designating any member under paragraph (1), the Speaker or the President pro tempore shall consult with—

(A) the chairman and ranking minority member of the Committee on Ways and Means and the Committee on Finance, as appropriate; and

(B) the chairman and ranking minority member of the committee from which the member will be appointed.

(3) AFFILIATION.—Not more than 2 members may be appointed under this subsection as members of any Congressional Oversight Group from any 1 committee of Congress. If 2 members are appointed from 1 committee, they must be from different political parties, and the total members from any political party appointed under this subsection for any Congressional Oversight Group may not exceed the total number of members from any other political party.

(c) GUIDELINES.—

(1) PURPOSE AND REVISION.—Within 120 days after the date of enactment of this Act, the United States Trade Representative shall develop written guidelines, in consultation with the chairmen and ranking minority members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Groups established under this section. The Trade Representative may revise the guidelines from time to time as needed following further such consultation.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide for, among other things—

(A) regular, detailed briefings of each Congressional Oversight Group regarding negotiating objectives and positions and status of the negotiations with respect to which the group was appointed, beginning as soon as practicable after the appointment of the members of the group, with more frequent briefings as trade negotiations enter the final stage;

(B) access by members of each Congressional Oversight Group, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials; and

(C) the closet practicable coordination between the Trade Representative and each Congressional Oversight Group at all critical periods during the negotiations, including at negotiation sites.

On page 34, lines 1 and 2, strike ''the congressional advisers on trade policy and negotiations appointed under section 161 of the Trade Act of 1974 (19 U.S.C. 2211),'' and insert ''the Congressional Oversight Group appointed under this Act,''.

THE HOMEOWNERS PROTECTION ACT OF 1997

D'AMATO (AND SARBANES) AMENDMENT NO. 1623

Mr. SESSIONS (for Mr. D'AMATO, for himself and Mr. SARBANES) proposed an amendment to the bill (S. 318) to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Homeowners Protection Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Termination of private mortgage insurance.
Sec. 4. Disclosure requirements.
Sec. 5. Notification upon cancellation or termination.
Sec. 6. Disclosure requirements for lender paid mortgage insurance.
Sec. 7. Fees for disclosures.
Sec. 8. Civil liability.
Sec. 9. Effect on other laws and agreements.
Sec. 10. Enforcement.
Sec. 11. Construction.
Sec. 12. Effective date.
Sec. 13. Abolishment of the Thrift Depositor Protection Oversight Board.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ADJUSTABLE RATE MORTGAGE.—The term ''adjustable rate mortgage'' means a residential mortgage that has an interest rate that is subject to change.

(2) CANCELLATION DATE.—The term ''cancellation date'' means—

(A) with respect to a fixed rate mortgage, at the option of the mortgagor, the date on which the principal balance of the mortgage—

(i) based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 80 percent of the original value of the property securing the loan; or

(ii) based solely on actual payments, reaches 80 percent of the original value of the property securing the loan; and

(B) with respect to an adjustable rate mortgage, at the option of the mortgagor, the date on which the principal balance of the mortgage—

(i) based solely on amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 80 percent of the original value of the property securing the loan; or

(ii) based solely on actual payments, first reaches 80 percent of the original value of the property securing the loan.

(3) FIXED RATE MORTGAGE.—The term ''fixed rate mortgage'' means a residential mortgage that has an interest rate that is not subject to change.

(4) GOOD PAYMENT HISTORY.—The term ''good payment history'' means, with respect to a mortgagor, that the mortgagor has not—

(A) made a mortgage payment that was 60 days or longer past due during the 12-month period beginning 24 months before the date on which the mortgage reaches the cancellation date; or

(B) made a mortgage payment that was 30 days or longer past due during the 12-month period preceding the date on which the mortgage reaches the cancellation date.

(5) INITIAL AMORTIZATION SCHEDULE.—The term ''initial amortization schedule'' means a schedule established at the time at which a residential mortgage transaction is consummated with respect to a fixed rate mortgage, showing—

(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the amortization period of the loan; and

(B) the unpaid principal balance of the loan after each scheduled payment is made.

(6) MORTGAGE INSURANCE.—The term ''mortgage insurance'' means insurance, including any mortgage guaranty insurance, against the nonpayment of, or default on, an individual mortgage or loan involved in a residential mortgage transaction.

(7) MORTGAGE INSURER.—The term ''mortgage insurer'' means a provider of private mortgage insurance, as described in this Act, that is authorized to transact such business in the State in which the provider is transacting such business.

(8) MORTGAGEE.—The term ''mortgagee'' means the holder of a residential mortgage at the time at which that mortgage transaction is consummated.

(9) MORTGAGOR.—The term ''mortgagor'' means the original borrower under a residential mortgage or his or her successors or assignees.

(10) ORIGINAL VALUE.—The term ''original value'', with respect to a residential mortgage, means the lesser of the sales price of the property securing the mortgage, as reflected in the contract, or the appraised value at the time at which the subject residential mortgage transaction was consummated.

(11) PRIVATE MORTGAGE INSURANCE.—The term ''private mortgage insurance'' means mortgage insurance other than mortgage insurance made available under the National Housing Act, title 38 of the United States Code, or title V of the Housing Act of 1949.

(12) RESIDENTIAL MORTGAGE.—The term ''residential mortgage'' means a mortgage, loan, or other evidence of a security interest created with respect to a single-family dwelling that is the primary residence of the mortgagor.

(13) RESIDENTIAL MORTGAGE TRANSACTION.—The term ''residential mortgage transaction'' means a transaction consummated on or after the date that is 1 year after the date of enactment of this Act, in which a mortgage, deed of trust, purchase money security interest arising under an installment sales contract, or equivalent consensual security interest is created or retained against a single-family dwelling that is the primary residence of the mortgagor to finance the acquisition, initial construction, or refinancing of that dwelling.

(14) SERVICER.—The term ''servicer'' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974, with respect to a residential mortgage.

(15) SINGLE-FAMILY DWELLING.—The term ''single-family dwelling'' means a residence consisting of 1 family dwelling unit.

(16) TERMINATION DATE.—The term ''termination date'' means—

(A) with respect to a fixed rate mortgage, the date on which the principal balance of the mortgage, based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 78 percent of the original value of the property securing the loan; and

(B) with respect to an adjustable rate mortgage, the date on which the principal balance of the mortgage, based solely on amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 78 percent of the original value of the property securing the loan.

SEC. 3. TERMINATION OF PRIVATE MORTGAGE INSURANCE.

(a) BORROWER CANCELLATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall be canceled on the cancellation date, if the mortgagor—

(1) submits a request in writing to the servicer that cancellation be initiated;

(2) has a good payment history with respect to the residential mortgage; and

(3) has satisfied any requirement of the holder of the mortgage (as of the date of a request under paragraph (1)) for—

(A) evidence (of a type established in advance and made known to the mortgagor by the servicer promptly upon receipt of a request under paragraph (1)) that the value of the property securing the mortgage has not declined below the original value of the property; and

(B) certification that the equity of the mortgagor in the residence securing the mortgage is unencumbered by a subordinate lien.

(b) AUTOMATIC TERMINATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall terminate with respect to payments for that mortgage insurance made by the mortgagor—

(1) on the termination date if, on that date, the mortgagor is current on the payments required by the terms of the residential mortgage transaction; or

(2) on the date after the termination date on which the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.

(c) FINAL TERMINATION.—If a requirement for private mortgage insurance is not otherwise canceled or terminated in accordance with subsection (a) or (b), in no case may such a requirement be imposed beyond the first day of the month immediately following the date that is the midpoint of the amortization period of the loan if the mortgagor is current on the payments required by the terms of the mortgage.

(d) NO FURTHER PAYMENTS.—No payments or premiums may be required from the mortgagor in connection with a private mortgage insurance requirement terminated or canceled under this section—

(1) in the case of cancellation under subsection (a), more than 30 days after the later of—

(A) the date on which a request under subsection (a)(1) is received; or

(B) the date on which the mortgagor satisfies any evidence and certification requirements under subsection (a)(3);

(2) in the case of termination under subsection (b), more than 30 days after the termination date or the date referred to in subsection (b)(2), as applicable; and

(3) in the case of termination under subsection (c), more than 30 days after the final termination date established under that subsection.

(e) RETURN OF UNEARNED PREMIUMS.—

(1) IN GENERAL.—Not later than 45 days after the termination or cancellation of a private mortgage insurance requirement under this section, all unearned premiums for private mortgage insurance shall be returned to the mortgagor by the servicer.

(2) TRANSFER OF FUNDS TO SERVICER.—Not later than 30 days after notification by the servicer of termination or cancellation of private mortgage insurance under this Act with respect to a mortgagor, a mortgage insurer that is in possession of any unearned premiums of that mortgagor shall transfer to the servicer of the subject mortgage an amount equal to the amount of the unearned premiums for repayment in accordance with paragraph (1).

(f) EXCEPTIONS FOR HIGH RISK LOANS.—

(1) IN GENERAL.—The termination and cancellation provisions in subsections (a) and (b) do not apply to any residential mortgage or mortgage transaction that, at the time at which the residential mortgage transaction is consummated, has high risks associated with the extension of the loan—

(A) as determined in accordance with guidelines published by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, in the case of a mortgage loan with an original principal balance that does not exceed the applicable annual conforming loan limit for the secondary market established pursuant to section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act, so as to require the imposition or continuation of a private mortgage insurance requirement beyond the terms specified in subsection (a) or (b) of section 3; or

(B) as determined by the mortgagee in the case of any other mortgage, except that termination shall occur—

(i) with respect to a fixed rate mortgage, on the date on which the principal balance of the mortgage, based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 77 percent of the original value of the property securing the loan; and

(ii) with respect to an adjustable rate mortgage, on the date on which the principal balance of the mortgage, based solely on amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 77 percent of the original value of the property securing the loan.

(2) TERMINATION AT MIDPOINT.—A private mortgage insurance requirement in connection with a residential mortgage or mortgage transaction described in paragraph (1) shall terminate in accordance with subsection (c).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require a mortgage or mortgage transaction described in paragraph (1)(A) to be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

SEC. 4. DISCLOSURE REQUIREMENTS.

(a) DISCLOSURES FOR NEW MORTGAGES AT TIME OF TRANSACTION.—

(1) DISCLOSURES FOR NON-EXEMPTED TRANSACTIONS.—In any case in which private mortgage insurance is required in connection with a residential mortgage or mortgage transaction (other than a mortgage or mortgage transaction described in section 3(f)(1)), at the time at which the transaction is consummated, the mortgagee shall provide to the mortgagor—

(A) if the transaction relates to a fixed rate mortgage—

(i) a written initial amortization schedule; and

(ii) written notice—

(I) that the mortgagor may cancel the requirement in accordance with section 3(a) of this Act indicating the date on which the mortgagor may request cancellation, based solely on the initial amortization schedule;

(II) that the mortgagor may request cancellation in accordance with section 3(a) of this Act earlier than provided for in the initial amortization schedule, based on actual payments;

(III) that the requirement for private mortgage insurance will automatically terminate on the termination date in accordance with section 3(b) of this Act, and what that termination date is with respect to that mortgage; and

(IV) that there are exemptions to the right to cancellation and automatic termination of a requirement for private mortgage insurance in accordance with section 3(f) of this Act, and whether such an exemption applies at that time to that transaction; and

(B) if the transaction relates to an adjustable rate mortgage, a written notice that—

(i) the mortgagor may cancel the requirement in accordance with section 3(a) of this Act on the cancellation date, and that the servicer will notify the mortgagor when the cancellation date is reached;

(ii) the requirement for private mortgage insurance will automatically terminate on the termination date, and that on the termination date, the mortgagor will be notified of the termination or that the requirement will be terminated as soon as the mortgagor is current on loan payments; and

(iii) there are exemptions to the right of cancellation and automatic termination of a requirement for private mortgage insurance in accordance with section 3(f) of this Act, and whether such an exemption applies at that time to that transaction.

(2) DISCLOSURES FOR EXCEPTED TRANSACTIONS.—In the case of a mortgage or mortgage transaction described in section 3(f)(1), at the time at which the transaction is consummated, the mortgagee shall provide written notice to the mortgagor that in no case may private mortgage insurance be required beyond the date that is the midpoint of the amortization period of the loan, if the mortgagor is current on payments required by the terms of the residential mortgage.

(3) ANNUAL DISCLOSURES.—If private mortgage insurance is required in connection with a residential mortgage transaction, the servicer shall disclose to the mortgagor in each such transaction in an annual written statement—

(A) the rights of the mortgagor under this Act to cancellation or termination of the private mortgage insurance requirement; and

(B) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(4) APPLICABILITY.—Paragraphs (1) through (3) shall apply with respect to each residential mortgage transaction consummated on or after the date that is 1 year after the date of enactment of this Act.

(b) DISCLOSURES FOR EXISTING MORTGAGES.—If private mortgage insurance was required in connection with a residential mortgage entered into at any time before the effective date of this Act, the servicer shall disclose to the mortgagor in each such transaction in an annual written statement—

(1) that the private mortgage insurance may, under certain circumstances, be canceled by the mortgagor (with the consent of the mortgagee or in accordance with applicable State law); and

(2) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(c) INCLUSION IN OTHER ANNUAL NOTICES.—The information and disclosures required under subsection (b) and paragraphs (1)(B) and (3) of subsection (a) may be provided on the annual disclosure relating to the escrow account made as required under the Real Estate Settlement Procedures Act of 1974, or as part of the annual disclosure of interest payments made pursuant to Internal Revenue Service regulations, and on a form promulgated by the Internal Revenue Service for that purpose.

(d) STANDARDIZED FORMS.—The mortgagee or servicer may use standardized forms for the provision of disclosures required under this section.

SEC. 5. NOTIFICATION UPON CANCELLATION OR TERMINATION.

(a) IN GENERAL.—Not later than 30 days after the date of cancellation or termination of a private mortgage insurance requirement in accordance with this Act, the servicer shall notify the mortgagor in writing—

(1) that the private mortgage insurance has terminated and that the mortgagor no longer has private mortgage insurance; and

(2) that no further premiums, payments, or other fees shall be due or payable by the mortgagor in connection with the private mortgage insurance.

(b) NOTICE OF GROUNDS.—

(1) IN GENERAL.—If a servicer determines that a mortgage did not meet the requirements for termination or cancellation of private mortgage insurance under subsection (a) or (b) of section 3, the servicer shall provide written notice to the mortgagor of the grounds relied on to make the determination (including the results of any appraisal used to make the determination).

(2) TIMING.—Notice required by paragraph (1) shall be provided—

(A) with respect to cancellation of private mortgage insurance under section 3(a), not later than 30 days after the later of—

(i) the date on which a request is received under section 3(a)(1); or

(ii) the date on which the mortgagor satisfies any evidence and certification requirements under section 3(a)(3); and

(B) with respect to termination of private mortgage insurance under section 3(b), not later than 30 days after the scheduled termination date.

SEC. 6. DISCLOSURE REQUIREMENTS FOR LENDER PAID MORTGAGE INSURANCE.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''borrower paid mortgage insurance'' means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by the borrower;

(2) the term ''lender paid mortgage insurance'' means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by a person other than the borrower; and

(3) the term ''loan commitment'' means a prospective mortgagee's written confirmation of its approval, including any applicable closing conditions, of the application of a prospective mortgagor for a residential mortgage loan.

(b) EXCLUSION.—Sections 3 through 5 do not apply in the case of lender paid mortgage insurance.

(c) NOTICES TO MORTGAGOR.—In the case of lender paid mortgage insurance that is required in connection with a residential mortgage or a residential mortgage transaction—

(1) not later than the date on which a loan commitment is made for the residential mortgage transaction, the prospective mortgagee shall provide to the prospective mortgagor a written notice—

(A) that lender paid mortgage insurance differs from borrower paid mortgage insurance, in that lender paid mortgage insurance may not be canceled by the mortgagor, while borrower paid mortgage insurance could be cancelable by the mortgagor in accordance with section 3(a) of this Act, and could automatically terminate on the termination date in accordance with section 3(b) of this Act;

(B) that lender paid mortgage insurance—

(i) usually results in a residential mortgage having a higher interest rate than it would in the case of borrower paid mortgage insurance; and

(ii) terminates only when the residential mortgage is refinanced, paid off, or otherwise terminated; and

(C) that lender paid mortgage insurance and borrower paid mortgage insurance both have benefits and disadvantages, including a generic analysis of the differing costs and benefits of a residential mortgage in the case lender paid mortgage insurance versus borrower paid mortgage insurance over a 10-year period, assuming prevailing interest and property appreciation rates;

(D) that lender paid mortgage insurance may be tax-deductible for purposes of Federal income taxes, if the mortgagor itemizes expenses for that purpose; and

(2) not later than 30 days after the termination date that would apply in the case of borrower paid mortgage insurance, the servicer shall provide to the mortgagor a written notice indicating that the mortgagor may wish to review financing options that could eliminate the requirement for private mortgage insurance in connection with the residential mortgage.

(d) STANDARD FORMS.—The servicer of a residential mortgage may develop and use a standardized form or forms for the provision of notices to the mortgagor, as required under subsection (c).

SEC. 7. FEES FOR DISCLOSURES.

No fee or other cost may be imposed on any mortgagor with respect to the provision of any notice or information to the mortgagor pursuant to this Act.

SEC. 8. CIVIL LIABILITY.

(a) IN GENERAL.—Any servicer, mortgagee, or mortgage insurer that violates a provision of this Act shall be liable to each mortgagor to whom the violation relates for—

(1) in the case of an action by an individual, or a class action in which the liable party is not subject to section 10, any actual damages sustained by the mortgagor as a result of the violation, including interest (at a rate determined by the court) on the amount of actual damages, accruing from the date on which the violation commences;

(2) in the case of—

(A) an action by an individual, such statutory damages as the court may allow, not to exceed $2,000; and

(B) in the case of a class action—

(i) in which the liable party is subject to section 10, such amount as the court may allow, except that the total recovery under this subparagraph in any class action or series of class actions arising out of the same violation by the same liable party shall not exceed the lesser of $500,000 or 1 percent of the net worth of the liable party, as determined by the court; and

(ii) in which the liable party is not subject to section 10, such amount as the court may allow, not to exceed $1000 as to each member of the class, except that the total recovery under this subparagraph in any class action or series of class actions arising out of the same violation by the same liable party shall not exceed the lesser of $500,000 or 1 percent of the gross revenues of the liable party, as determined by the court;

(3) costs of the action; and

(4) reasonable attorney fees, as determined by the court.

(b) TIMING OF ACTIONS.—No action may be brought by a mortgagor under subsection (a) later than 2 years after the date of the discovery of the violation that is the subject of the action.

(c) LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—With respect to a residential mortgage transaction, the failure of a servicer to comply with the requirements of this Act due to the failure of a mortgage insurer or a mortgagee to comply with the requirements of this Act, shall not be construed to be a violation of this Act by the servicer.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to impose any additional requirement or liability on a mortgage insurer, a mortgagee, or a holder of a residential mortgage.

SEC. 9. EFFECT ON OTHER LAWS AND AGREEMENTS.

(a) EFFECT ON STATE LAW.—

(1) IN GENERAL.—With respect to any residential mortgage or residential mortgage transaction consummated after the effective date of this Act, and except as provided in paragraph (2), the provisions of this Act shall supersede any provisions of the law of any State relating to requirements for obtaining or maintaining private mortgage insurance in connection with residential mortgage transactions, cancellation or automatic termination of such private mortgage insurance, any disclosure of information addressed by this Act, and any other matter specifically addressed by this Act.

(2) CONTINUED APPLICATION OF CERTAIN PROVISIONS.—This Act does not supersede any provision of the law of a State in effect on or before September 1, 1989, pertaining to the termination of private mortgage insurance or other mortgage guaranty insurance, to the extent that such law requires termination of such insurance at an earlier date or when a lower mortgage loan principal balance is achieved than as provided in this Act.

(b) EFFECT ON OTHER AGREEMENTS.—The provisions of this Act shall supersede any conflicting provision contained in any agreement relating to the servicing of a residential mortgage loan entered into by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or any private investor or note holder (or any successors thereto).

SEC. 10. ENFORCEMENT.

(a) IN GENERAL.—Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act—

(A) by the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act) in the case of insured depository institutions (as defined in section 3(c)(2) of such Act);

(B) by the Federal Deposit Insurance Corporation in the case of depository institutions described in clause (i), (ii), or (iii) of section 19(b)(1)(A) of the Federal Reserve Act that are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

(C) by the Director of the Office of Thrift Supervision in the case of depository institutions described in clause (v) and or (vi) of section 19(b)(1)(A) of the Federal Reserve Act that are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act);

(2) the Federal Credit Union Act, by the National Credit Union Administration Board in the case of depository institutions described in clause (iv) of section 19(b)(1)(A) of the Federal Reserve Act; and

(3) part C of title V of the Farm Credit Act of 1971 (12 U.S.C. 2261 et seq.), by the Farm Credit Administration in the case of an institution that is a member of the Farm Credit System.

(b) ADDITIONAL ENFORCEMENT POWERS.—

(1) VIOLATION OF THIS ACT TREATED AS VIOLATION OF OTHER ACTS.—For purposes of the exercise by any agency referred to in subsection (a) of such agency's powers under any Act referred to in such subsection, a violation of a requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act.

(2) ENFORCEMENT AUTHORITY UNDER OTHER ACTS.—In addition to the powers of any agency referred to in subsection (a) under any provision of law specifically referred to in

such subsection, each such agency may exercise, for purposes of enforcing compliance with any requirement imposed under this Act, any other authority conferred on such agency by law.

(c) ENFORCEMENT AND REIMBURSEMENT.—In carrying out its enforcement activities under this section, each agency referred to in subsection (a) shall—

(1) notify the mortgagee or servicer of any failure of the mortgagee or servicer to comply with 1 or more provisions of this Act;

(2) with respect to each such failure to comply, require the mortgagee or servicer, as applicable, to correct the account of the mortgagor to reflect the date on which the mortgage insurance should have been canceled or terminated under this Act; and

(3) require the mortgagee or servicer, as applicable, to reimburse the mortgagor in an amount equal to the total unearned premiums paid by the mortgagor after the date on which the obligation to pay those premiums ceased under this Act.

SEC. 11. CONSTRUCTION.

Nothing in this Act shall be construed to impose any requirement for private mortgage insurance in connection with a residential mortgage transaction.

SEC. 12. EFFECTIVE DATE.

This Act, other than section 13, shall become effective 1 year after the date of enactment of this Act.

SEC. 13. ABOLISHMENT OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) IN GENERAL.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the Thrift Depositor Protection Oversight Board established under section 21A of the Federal Home Loan Bank Act (hereafter in this section referred to as the ''Oversight Board'') is hereby abolished.

(b) DISPOSITION OF AFFAIRS.—

(1) POWER OF CHAIRPERSON.—Effective on the date of enactment of this Act, the Chairperson of the Oversight Board (or the designee of the Chairperson) may exercise on behalf of the Oversight Board any power of the Oversight Board necessary to settle and conclude the affairs of the Oversight Board.

(2) AVAILABILITY OF FUNDS.—Funds available to the Oversight Board shall be available to the Chairperson of the Oversight Board to pay expenses incurred in carrying out paragraph (1).

(c) SAVINGS PROVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—No provision of this section shall be construed as affecting the validity of any right, duty, or obligation of the United States, the Oversight Board, the Resolution Trust Corporation, or any other person that—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Oversight Board; and

(B) existed on the day before the abolishment of the Oversight Board in accordance with subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Oversight Board with respect to any function of the Oversight Board shall abate by reason of the enactment of this section.

(3) LIABILITIES.—

(A) IN GENERAL.—All liabilities arising out of the operation of the Oversight Board during the period beginning on August 9, 1989, and the date that is 3 months after the date of enactment of this Act shall remain the direct liabilities of the United States.

(B) NO SUBSTITUTION.—The Secretary of the Treasury shall not be substituted for the Oversight Board as a party to any action or proceeding referred to in subparagraph (A).

(4) CONTINUATIONS OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS PERTAINING TO THE RESOLUTION FUNDING CORPORATION.—

(A) IN GENERAL.—All orders, resolutions, determinations, and regulations regarding the Resolution Funding Corporation shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations until modified, terminated, set aside, or superseded in accordance with applicable law if such orders, resolutions, determinations, or regulations—

(i) have been issued, made, and prescribed, or allowed to become effective by the Oversight Board, or by a court of competent jurisdiction, in the performance of functions transferred by this section; and

(ii) are in effect at the end of the 3-month period beginning on the date of enactment of this section.

(B) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS BEFORE TRANSFER.—Before the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the United States.

(C) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS AFTER TRANSFER.—On and after the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the Secretary of the Treasury.

(d) TRANSFER OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUTHORITY AND DUTIES OF RESOLUTION FUNDING CORPORATION TO SECRETARY OF THE TREASURY.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the authority and duties of the Oversight Board under sections 21A(a)(6)(I) and 21B of the Federal Home Loan Bank Act are transferred to the Secretary of the Treasury (or the designee of the Secretary).

(e) MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY BOARD.—Effective on the date of enactment of this Act, section 14(b)(2) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(f) TIME OF MEETINGS OF THE AFFORDABLE HOUSING ADVISORY BOARD.—

(1) IN GENERAL.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(A) by striking ''4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board or'' and inserting ''2 times a year or at the request of''; and

(B) by striking the second sentence.

(2) CLERICAL AMENDMENT.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended, in the subparagraph heading, by striking ''AND LOCATION''.

Amend the title so as to read: ''A bill to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.''.

THE FEDERAL JUDICIARY PROTECTION ACT OF 1997

FAIRCLOTH AMENDMENT NO. 1624

Mr. SESSION (for Mr. FAIRCLOTH) proposed an amendment to the bill (S. 1189) to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes; as follows:

On page 2, line 6, strike ''8'' and insert ''12''.

INDIAN CLAIMS COMMISSION LEGISLATION

MURKOWSKI AMENDMENT NO. 1625

Mr. SESSION (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets, numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission; as follows:

At the appropriate place, insert:

SECTION 1. FINDINGS.

Congress finds that—

(1) the execution of more than 1 contract or compact between an Alaska native village or regional or village corporation in the Ketchikan Gateway Borough and the Secretary to provide for health care services in an area with a small population leads to duplicative and wasteful administrative costs; and

(2) incurring the wasteful costs referred to in paragraph (1) leads to decrease in the quality of health care that is provided to Alaska Natives in an affected area.

SECTION 2. DEFINITIONS.

In this Act:

(1) ALASKA NATIVE.—The term ''Alaska Native'' has the meaning given the term ''Native'' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) ALASKA NATIVE VILLAGE OR REGIONAL OR VILLAGE CORPORATION.—The term ''Alaska native village or regional or village corporation'' means an Alaska native village or regional or village corporation defined in, or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(3) CONTRACT; COMPACT.—The terms ''contract'' and ''compact'' mean a self-determination contract and a self-governance compact as these terms are defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et. seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 3. LIMITATION.

(a) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that, in considering a renewal of a contract or compact, or signing of a new contract or compact for the provision of health care services in the Ketchikan Gateway Borough, there will be only one contract or compact in effect.

(b) CONSIDERATION.—In any case in which the Secretary, acting though the Director of the Indian Health Service, is required to select from more than 1 application for a contract or compact described in subsection (a), in awarding the contract or compact, the Secretary shall take into consideration—

(1) the ability and experience of the applicant;

(2) the potential for the applicant to acquire and develop the necessary ability; and

(3) the potential for growth in the health care needs of the covered borough.

INOUYE AMENDMENTS NOS. 1626–1627

Mr. SESSIONS (for Mr. INOUYE) proposed two amendments to the bill, H.R. 1604, supra; as follows:

AMENDMENT NO. 1626

In section 11, strike the section heading and all that follows through ''The eligibility'' and insert the following:

''SEC. 11. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS.

''(a) APPLICABILITY OF PUBLIC LAW 93–134.—All funds distributed under this Act or any plan approved in accordance with this Act, including interest and investment income that accrues on those funds before or while those funds are held in trust, shall be subject to section 7 of Public Law 93–134 (87 Stat. 468).

''(b) TREATMENT OF FUNDS WITH RESPECT TO CERTAIN FEDERAL ASSISTANCE.—The eligibility''.

AMENDMENT NO. 1627

On page 2, line 7, of Section 2, delete the word ''Tribe'' and insert the word ''Band''.

LAND AND WATER CONSERVATION FUND LEGISLATION

LEAHY AMENDMENT NO. 1628

Mr. SESSIONS (for Mr. LEAHY) proposed an amendment to the bill (H.R. 1487) to provide off-budget treatment for one-half of the receipts and disbursements of the land and water conservation fund, and to provide that the amount appropriated from the fund for a fiscal year for Federal purposes may not exceed the amount appropriated for that fiscal year for financial assistance to the States for State purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . FALSE ADVERTISING OR MISUSE OF NAME TO INDICATE UNITED STATES MARSHALS SERVICE.

Section 709 of title 18, United States Code, is amended by inserting after the thirteenth undesignated paragraph the following:

''Whoever, except with the written permission of the Director of the United States Marshals Service, knowingly uses the words 'United States Marshals Service', 'U.S. Marshals Service', 'United States Marshal', 'U.S. Marshal', 'U.S.M.S.', or any colorable imitation of any such words, or the likeness of a United States Marshals Service badge, logo, or insignia on any item of apparel, in connection with any advertisement, circular, book, pamphlet, software, or other publication, or any play, motion picture, broadcast, telecast, or other production, in a manner that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the United States Marshals Service, or to convey the impression that such advertisement, circular, book, pamphlet, software, or other publication, or such play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the United States Marshals Service;''.

THE TELEMARKETING FRAUD PREVENTION ACT OF 1997

HARKIN AMENDMENT NO. 1629

Mr. SESSIONS (for Mr. HARKIN) proposed an amendment to the bill (H.R. 1847) to improve the criminal law relating to fraud against consumers; as follows:

At the appropriate place, add the following:

SEC. . DISCLOSURE OF CERTAIN RECORDS FOR INVESTIGATIONS OF TELEMARKETING FRAUD.

Section 2703(c)(1)(B) of title 18, United States Code, is amended—

(1) by striking out ''or'' at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof ''; or''; and

(3) by adding at the end the following:

''(iv) submits a formal written request relevant to a law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is in section 2325 of this title).''.

THE SENIOR CITIZEN HOME EQUITY PROTECTION ACT HOUSING PROGRAMS EXTENSION ACT OF 1997

D'AMATO AMENDMENT NO. 1630

Mr. SESSIONS (for Mr. D'AMATO) proposed an amendment to the bill (S. 562) to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Senior Citizen Home Equity Protection Act''.

TITLE I—SENIOR CITIZEN HOME EQUITY PROTECTION

SEC. 101. DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.

Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

''(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and'';

(2) in paragraph (9)(F), by striking ''and'';

(3) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services.''.

SEC. 102. IMPLEMENTATION.

(a) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by section 101 in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under subsection (b).

(b) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by section 101. Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(3)(B) of such section).

TITLE II—TEMPORARY EXTENSION OF PUBLIC HOUSING AND SECTION 8 RENTAL ASSISTANCE PROVISIONS

SEC. 201. PUBLIC HOUSING CEILING RENTS AND INCOME ADJUSTMENTS AND PREFERENCES FOR ASSISTED HOUSING.

Section 402(f) of The Balanced Budget Downpayment Act, I (42 U.S.C. 1437aa note) is amended by striking ''and 1997'' and inserting '', 1997, and 1998''.

SEC. 202. PUBLIC HOUSING DEMOLITION AND DISPOSITION.

Section 1002(d) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995 (42 U.S.C. 1437c note) is amended by striking ''September 30, 1997'' and inserting ''September 30, 1998''.

SEC. 203. PUBLIC HOUSING FUNDING FLEXIBILITY AND MIXED-FINANCE DEVELOPMENTS.

(a) EXTENSION OF AUTHORITY.—Section 201(a)(2) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437*l* note) is amended to read as follows:

''(2) APPLICABILITY.—Section 14(q) of the United States Housing Act of 1937 shall be effective only with respect to assistance provided from funds made available for fiscal year 1998 or any preceding fiscal year, except that the authority in the first sentence of section 14(q)(1) of that Act to use up to 10 percent of the allocation of certain funds for any operating subsidy purpose shall not apply to amounts made available for fiscal year 1998.''.

(b) MIXED FINANCE.—Section 14(q)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437*l*(q)(1)) is amended by inserting after the first sentence the following: ''Such assistance may involve the drawdown of funds on a schedule commensurate with construction draws for deposit into an interest earning escrow account to serve as collateral or credit enhancement for bonds issued by a public agency for the construction or rehabilitation of the development.''.

SEC. 204. MINIMUM RENTS.

Section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 40) is amended in the matter preceding paragraph (1) by striking ''fiscal year 1997'' and inserting ''fiscal years 1997 and 1998''.

SEC. 205. PROVISIONS RELATING TO SECTION 8 RENTAL ASSISTANCE PROGRAM.

Section 203(d) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134)) (42 U.S.C. 1437f note) is amended by striking ''and 1997'' and inserting '', 1997, and 1998''.

TITLE III—REAUTHORIZATION OF FEDERALLY ASSISTED MULTIFAMILY RENTAL HOUSING PROVISIONS

SEC. 301. MULTIFAMILY HOUSING FINANCE PILOT PROGRAMS.

Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (b)(5), by inserting before the period at the end of the first sentence the following: ‘‘, and not more than an additional 15,000 units during fiscal year 1998’’; and

(2) in the first sentence of subsection (c)(4)—

(A) by striking ‘‘and’’ and inserting a comma; and

(B) by inserting before the period at the end the following: ‘‘, and not more than an additional 15,000 units during fiscal year 1998’’.

SEC. 302. HUD DISPOSITION OF MULTIFAMILY HOUSING.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended by inserting after ‘‘owned by the Secretary’’ the following: ‘‘, including the provision of grants and loans from the General Insurance Fund for the necessary costs of rehabilitation or demolition,’’.

SEC. 303. MULTIFAMILY MORTGAGE AUCTIONS.

Section 221(g)(4)(C) of the National Housing Act (12 U.S.C. 1715*l*(g)(4)(C)) is amended—

(1) in the first sentence of clause (viii), by striking ‘‘September 30, 1996’’ and inserting ‘‘December 31, 2000’’; and

(2) by adding at the end the following:

‘‘(ix) The authority of the Secretary to conduct multifamily auctions under this subparagraph shall be effective for any fiscal year only to the extent and in such amounts as are approved in appropriations Acts for the costs of loan guarantees (as defined in section 502 of the Congressional Budget Act of 1974), including the cost of modifying loans.’’.

SEC. 304. CLARIFICATION OF OWNER'S RIGHT TO PREPAY.

(a) PREPAYMENT RIGHT.—Notwithstanding section 211 of the Housing and Community Development Act of 1987 or section 221 of the Housing and Community Development Act of 1987 (as in effect pursuant to section 604(c) of the Cranston-Gonzalez National Affordable Housing Act), subject to subsection (b), with respect to any project that is eligible low-income housing (as that term is defined in section 229 of the Housing and Community Development Act of 1987)—

(1) the owner of the project may prepay, and the mortgagee may accept prepayment of, the mortgage on the project, and

(2) the owner may request voluntary termination of a mortgage insurance contract with respect to such project and the contract may be terminated notwithstanding any requirements under sections 229 and 250 of the National Housing Act.

(b) CONDITIONS.—Any prepayment of a mortgage or termination of an insurance contract authorized under subsection (a) may be made—

(1) only to the extent that such prepayment or termination is consistent with the terms and conditions of the mortgage on or mortgage insurance contract for the project; and

(2) only if owner of the project involved agrees not to increase the rent charges for any dwelling unit in the project during the 60-day period beginning upon such prepayment or termination.

TITLE IV—REAUTHORIZATION OF RURAL HOUSING PROGRAMS

SEC. 401. HOUSING IN UNDERSERVED AREAS PROGRAM.

The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking ‘‘fiscal year 1997’’ and inserting ‘‘fiscal years 1997, 1998, and 1999’’.

SEC. 402. HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES AND OTHER LOW-INCOME PERSONS AND FAMILIES.

(a) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking ‘‘September 30, 1997’’ and inserting ‘‘September 30, 1999’’.

(b) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking ‘‘fiscal year 1997’’ and inserting ‘‘fiscal years 1997, 1998, and 1999’’.

SEC. 403. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (q), by striking paragraph (2) and inserting the following:

‘‘(2) ANNUAL LIMITATION ON AMOUNT OF LOAN GUARANTEE.—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such amount as may be provided in appropriation Acts for such fiscal year.’’;

(2) by striking subsection (t) and inserting the following:

‘‘(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1998 and 1999 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year.’’; and

(3) in subsection (u), by striking ‘‘1996’’ and inserting ‘‘1999’’.

TITLE V—REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PROGRAM

SEC. 501. PROGRAM EXPIRATION.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking ‘‘September 30, 1997’’ and inserting ‘‘September 30, 1999’’.

SEC. 502. BORROWING AUTHORITY.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)) is amended by striking ‘‘September 30, 1997’’ and inserting ‘‘September 30, 1999’’.

SEC. 503. EMERGENCY IMPLEMENTATION OF PROGRAM.

Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking ‘‘September 30, 1996’’ and inserting ‘‘September 30, 1999’’.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS FOR STUDIES.

Subsection (c) of section 1376 of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)) is amended to read as follows:

‘‘(c) For studies under this title, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999, which shall remain available until expended.’’.

TITLE VI—NATIVE AMERICAN HOUSING ASSISTANCE

SEC. 601. SUBSIDY LAYERING CERTIFICATION.

Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is amended—

(1) by striking ‘‘certification by the Secretary’’ and inserting ‘‘certification by a recipient to the Secretary’’; and

(2) by striking ‘‘any housing project’’ and inserting ‘‘the housing project involved’’.

SEC. 602. INCLUSION OF HOMEBUYER SELECTION POLICIES AND CRITERIA.

Section 207(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137(b)) is amended—

(1) by striking ‘‘TENANT SELECTION.—’’ and inserting ‘‘TENANT AND HOMEBUYER SELECTION.—’’;

(2) in the matter preceding paragraph (1), by inserting ‘‘and homebuyer’’ after ‘‘tenant’’; and

(3) in paragraph (3)(A), by inserting ‘‘and homebuyers’’ after ‘‘tenants’’.

SEC. 603. REPAYMENT OF GRANT AMOUNTS FOR VIOLATION OF AFFORDABLE HOUSING REQUIREMENT.

Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended by striking ‘‘section 205(2)’’ and inserting ‘‘section 205(a)(2)’’.

SEC. 604. UNITED STATES HOUSING ACT OF 1937.

(a) IN GENERAL.—Section 501(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (110 Stat. 4042) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively.

(b) UNITED STATES HOUSING ACT OF 1937.—Section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e) is amended by striking subsection (h).

SEC. 605. MISCELLANEOUS.

(a) DEFINITION OF INDIAN AREAS.—Section 4(10) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(10)) is amended to read as follows:

‘‘(10) INDIAN AREA.—The term ‘Indian area’ means the area within which an Indian tribe or a tribally designated housing entity, as authorized by 1 or more Indian tribes, provides assistance under this Act for affordable housing.’’.

(b) CROSS-REFERENCE.—Section 4(12)(C)(i)(II) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12)(C)(i)(II)) is amended by striking ‘‘section 107’’ and inserting ‘‘section 705’’.

(c) CLARIFICATION OF CERTAIN EXEMPTIONS.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: ‘‘This subsection applies only to rental dwelling units (other than lease-purchase dwelling units) developed under—

‘‘(1) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); or

‘‘(2) this Act.’’.

(d) APPLICABILITY.—Section 101(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(d)(1)) is amended by inserting before the semicolon at the end the following: ‘‘, except that this paragraph only applies to rental dwelling units (other than lease-purchase dwelling units) developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) or under this Act’’.

(e) SUBMISSION OF INDIAN HOUSING PLAN.—Section 102(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(a)) is amended—

(1) in paragraph (1), by inserting ‘‘(A)’’ after ‘‘(1)’’;

(2) in paragraph (1)(A), as so designated by paragraph (1) of this subsection, by adding ‘‘or’’ at the end;

(3) by striking ‘‘(2)’’ and inserting ‘‘(B)’’; and

(4) by striking ‘‘(3)’’ and inserting ‘‘(2)’’.

(f) CLARIFICATION.—Section 103(c)(3) of the Native American Housing Assistance and

Self-Determination Act of 1996 (25 U.S.C. 4113(c)(3)) is amended by inserting ''not'' before ''prohibited''.

(g) APPLICABILITY OF PROVISIONS OF CIVIL RIGHTS.—Section 201(b)(5) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)(5)) is amended—

(1) by striking ''Indian tribes'' and inserting ''federally recognized tribes and the tribally designated housing entities of those tribes''; and

(2) by striking ''under this subsection'' and inserting ''under this Act''.

(h) ELIGIBILITY.—Section 205(a)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135(a)(1)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end; and

(2) by striking subparagraph (B) and inserting the following:

''(B) in the case of a contract to purchase existing housing, is made available for purchase only by a family that is a low-income family at the time of purchase;

''(C) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, is made available for lease-purchase only by a family that is a low-income family at the time the agreement is entered into; and

''(D) in the case of a contract to purchase housing to be constructed, is made available for purchase only by a family that is a low-income family at the time the contract is entered into; and''.

(i) TENANT SELECTION.—Section 207(b)(3)(B) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137(b)(3)(B)) is amended by striking ''of any rejected applicant of the grounds for any rejection'' and inserting ''to any rejected applicant of that rejection and the grounds for that rejection''.

(j) AVAILABILITY OF RECORDS.—Section 208 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138) is amended—

(1) in subsection (a), by striking ''paragraph (2)'' and inserting ''subsection (b)''; and

(2) in subsection (b), by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(k) IHP REQUIREMENT.—Section 184(b)(2) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(b)(2)) is amended by striking ''that is under the jurisdiction of an Indian tribe'' and all that follows before the period at the end.

(*l*) AUTHORIZATION OF APPROPRIATIONS.—Section 184(i)(5)(C) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(5)(C)) is amended by striking ''note'' and inserting ''not''.

(m) ENVIRONMENTAL REVIEW UNDER THE INDIAN HOUSING LOAN GUARANTEE PROGRAM.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended—

(1) by redesignating subsection (k) as subsection (*l*); and

(2) by inserting after subsection (j) the following:

''(k) ENVIRONMENTAL REVIEW.—For purposes of environmental, review, decision-making, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other law that furthers the purposes of that Act, a loan guarantee under this section shall—

''(1) be treated as a grant under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

''(2) be subject to the regulations promulgated by the Secretary to carry out section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115).''.

(n) PUBLIC AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—Title IV of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161 et seq.) is amended by adding at the end the following:

''SEC. 408. PUBLIC AVAILABILITY OF INFORMATION.

''Each recipient shall make any housing plan, policy, or annual report prepared by the recipient available to the general public.''.

(2) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents by inserting after the item relating to section 407 the following:

''Sec. 408. Public availability of information.''.

(o) NON-FEDERAL FUNDS.—Section 520(*l*)(5)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(*l*)(5)(B)) is amended by striking ''and Indian housing authorities'' and inserting ''and units of general local government''.

(p) INELIGIBILITY OF INDIAN TRIBES.—Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h–1) is amended by striking ''fiscal year 1997'' and inserting ''fiscal year 1998''.

(q) INDIAN HOUSING EARLY CHILDHOOD DEVELOPMENT PROGRAM.—

(1) REPEAL.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–11 note) is repealed.

(2) TECHNICAL CORRECTION.—

(A) IN GENERAL.—Section 501(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (110 Stat. 4042), and the amendment made by that section, is repealed.

(B) APPLICABILITY.—Section 519 of Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437a–1) shall be applied and administered as if section 501(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (104 Stat. 4042) had not been enacted.

(3) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall be construed to have taken effect on October 26, 1996.

(r) TRIBAL ELIGIBILITY UNDER THE DRUG ELIMINATION PROGRAM.—The Public and Assisted Housing Elimination Act of 1990 (42 U.S.C. 11901 et seq.) is amended—

(1) in section 5123, by inserting ''Indian tribes,'' after ''tribally designated housing entities,'';

(2) in section 5124(a)(7), by inserting '', Indian tribe,'' after ''agency'';

(3) in section 5125(a), by inserting ''Indian tribe,'' after ''entity,''; and

(4) in section 5126, by adding at the end the following:

''(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).''.

(s) REFERENCE IN THE PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.—Section 5126(4)(D) of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11905(4)(D)) is amended by inserting ''of 1996'' before the period.

THE 50 STATES COMMEMORATIVE COIN PROGRAM ACT

D'AMATO (AND SARBANES) AMENDMENT NO. 1631

Mr. SESSIONS (for Mr. D'AMATO, for himself and Mr. SARBANES) proposed an amendment to the bill (S. 1228) to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes; as follows:

On page 14, strike lines 4 through 10.

At the appropriate place, insert the following:

SEC. . RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to evidence any intention to eliminate or to limit the printing or circulation of United States currency in the $1 denomination.

COATS AMENDMENT NO. 1632

Mr. SESSIONS (for Mr. COATS) proposed an amendment to the bill, S. 1228, supra; as follows:

On page 8, line 11, strike ''clad''.

THE FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

MCCAIN (AND HOLLINGS) AMENDMENT NO. 1633

(Ordered to lie on the table.)

Mr. SESSIONS (for Mr. MCCAIN, for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by them to the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and developing programs for fiscal years 1998 through 2000, and for other purposes; as follows:

On page 12, line 10, strike ''$229,673,00,'' and insert ''$226,800,000,''.

On page 12, line 25, strike ''$56,045,00,'' and insert ''$53,759,000,''.

On page 13, line 1, strike ''$27,137,00,'' and insert ''$26,550,000,''.

On page 13, line 6, strike ''activities.'.;; and insert ''activities; and''

On page 13, between lines 6 and 7, insert the following:

''(5) for fiscal year 1999, $229,673,000.''.

On page 13, line 17, strike ''leges'' and insert ''leges, including Historically Black Colleges and Universities and Hispanic Serving Institutions,''.

On page 15, line 18, strike ''**NOTICE OF REPROGRAMMING.**'' and insert ''**NOTICES.**''.

On page 15, line 19, insert ''(a) REPROGRAMMING.—'' before ''If''.

On page 16, between lines 2 and 3, insert the following:

(b) NOTICE OF REORGANIZATION.—The Administrator of the Federal Aviation Administration shall provide notice to the Committees on Science, Transportation and Infrastructure, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization (as determined by the Administrator) of any program of the Federal Aviation Administration for which funds are authorized by this Act.

Amend the title so as to read ''A Bill to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999, and for other purposes.''.

ADDITIONAL STATEMENTS

VETERANS DAY PRESENTATION OF THE SILVER STAR MEDAL TO ALBERT SPONHEIMER, JR.

● Mr. JEFFORDS. Mr. President, on Veterans' Day, I will be participating in a very special ceremony for a very special individual. The occasion is the presentation of a Silver Star Medal 53 years after the event to a World War II veteran named Albert Sponheimer. It gives me great pleasure to submit, for the RECORD, the text of my remarks:

The remarks follow:

SILVER STAR MEDAL PRESENTATION TO ALBERT SPONHEIMER, JR.

I am so proud to be here today to honor Al Sponheimer in front of his family and friends and, of course, all of you in the audience—students who are fortunate enough to witness this historic event.

This is the part of my job I love the most—the fact that we are all here today, 53 years, 5 months and 5 days after the event to witness the presentation of a Silver Star Medal for heroism. Al Sponheimer, a veteran of the Second World War, is a testament to the saying that perseverance pays off.

Al Sponheimer first contacted my office back in December 1994. In a characteristically modest manner, he asked for information about how he might get his Silver Star, in the absence of official documentation, 50 years after the fact. I could see that Al was not comfortable pursuing this, but was probably goaded into it by the four gentlemen sitting next to him today.

Anyway, back to the story. Soon after, we received a letter from Captain Heitz outlining Mr. Sponheimer's heroic actions on June 6, 1944. He wrote:

''PFC Sponheimer was one of two aides men assigned to my battery. In fact, I was his first battlefield patient. He was seen giving first aid to anyone who needed it, not necessarily Battery A personnel. He roamed almost the full length of Omaha Beach, helping where he could while many around him were wounded by flying shrapnel or ricocheting bullets fired from the Germans on the bluff of Omaha Beach''

Once the Army read this letter, I thought for sure they would send Mr. Sponheimer's medal by return mail. This was not the case. The time for consideration of WWII medal requests had expired. We had to apply to the Board for Correction of Military Records where the average length of time for consideration of these requests is about 2 years. The application was sent in on February 7, 1996. 18 months later the Board made a favorable decision—Al would finally receive his Silver Star.

And that is what brings us here today—appropriately on Armistice Day—to correct a 53-year-old record and honor a person who, under enemy fire, performed heroically.

Mr. President, thank you again for this opportunity to submit my remarks for the RECORD. I hope Mr. Sponheimer's story will inspire other veterans to pursue their entitlement to military medals or awards, even if the lapse in time seems insurmountable.

I also want to extend my condolences to the Sponheimer family at the recent and untimely passing of Al's wife, Audrey. I know her absence will be deeply felt by Al, their children and grandchildren on this special day. ●

THE WALT DISNEY CO.: 1997 CORPORATION OF THE YEAR

● Mrs. BOXER. Mr. President, I rise today to congratulate the Walt Disney Co. for being honored as the 1997 Corporation of the Year by the Minority Business Enterprise Input Committee of the Southern California Regional Purchasing Councils [SCRPC], a group of 225 large-scale purchasers located in a 13-county area of southern California.

Formed in 1975, SCRPC seeks to stimulate economic growth and help develop enterprises that can provide useful goods and services at competitive prices, increase employment for underemployed groups, and help bring disadvantaged enterprises into America's market economy.

The Walt Disney Co. earned this prestigious award through its leadership in working with minority-owned businesses. Disney has operated a Minority and Women Business Enterprise Program for more than 15 years, and now does business with more than 900 minority-owned and 600 female-owned businesses.

This special recognition by the SCRPC reflects the high regard suppliers have for Disney's outreach and diversity policies.

It is a great pleasure to honor and recognize the initiative and leadership that has led to this outstanding honor for the Walt Disney Co.●

TRIBUTE TO ALBERT W. MOORE

● Mr. CHAFEE. Mr. President, I would like to pay tribute to Albert W. Moore for his leadership in a critical American industry. Mr. Moore is retiring after serving 8 years as president of the Association for Manufacturing Technology [AMT], a trade group which represents 374 American builders of machine tools and related equipment. His distinguished career in the industry has spanned 43 years.

The machine tool industry is vital to our country, making possible the production of almost every product which our society today enjoys. More important, these powerful and precise machines are a vital key to the Nation's defense.

During his tenure as president, and earlier as the elected chairman of the association. Mr. Moore has worked to ensure that the U.S. industry was technologically equal to any in the world, and that its companies are strong and well run.

Mr. Moore's efforts have greatly enhanced the position of our machine tool industry, and I congratulate him for a job well done.●

WELCOME HOME 452D ARMY RESERVE ORDNANCE COMPANY

● Mr. JOHNSON. Mr. President, I would like to take this opportunity to welcome home the men and women of the 452d Ordnance Company, an Army Reserve Unit based in Aberdeen, SD, and congratulate them on successfully completing their recent mission to Hungary in support of Bosnian peacekeeping efforts.

The 452d is one of only six direct support ordnance units in the entire U.S. Army. The 452d is also a tier 2A high priority unit, which means that the members of this unit are well-trained, have adequate manpower, and have a high level of readiness. The men and women of the 452d pride themselves on their ability to quickly and effectively mobilize when their country calls upon them.

The 452d has an impressive history of serving the Nation. The 452d Ordnance Company was the first unit in the 6th Army to be deployed during Operation Desert Storm. The members performed extremely well during this mobilization and received the Meritorious Unit Commendation from the Secretary of the Army for their outstanding service. As you know, Mr. President, this is an extremely prestigious award with only a handful of National Guard and Reserve units having ever received it. Furthermore, the 452d was recently inspected and found to be performing at such an outstanding level that the unit is being recommended for the Meritorious Unit Commendation once again. Most units would be honored to simply be nominated for this award, and it is truly a sign of the 452d's excellence that it may receive the award twice.

In addition to helping lead coalition forces to victory in the Middle East, the 452d brought relief to many in their hometown of Aberdeen, SD, by aiding emergency management efforts in recent winter storms and flooding. The 452d is a shining example of how reserve units across the country are being called upon more frequently to serve their country both at home and abroad.

The men and women of the 452d began their most recent, and perhaps most demanding, mission in March of this year when 83 members of the unit were mobilized for duty in Europe. For the past 8 months, these individuals were stationed at Taszar Air Base, Hungary, supporting peacekeeping efforts in Bosnia. Unit members were rotated into Bosnia from time to time, venturing inside one of the most politically volatile areas in the world.

Of course, the soldiers who were mobilized were not the only ones who sacrificed in service to their country. The families of these servicemembers also exhibited extreme courage in facing new challenges and additional responsibilities in the absence of their loved ones. To help with that transition, the 452d Family Support Group provided guidance, assistance, and support. In fact, during the Persian Gulf conflict, the 452d Family Support Group received the Best Small Unit Family Outreach Program Award from the 96th Army Reserve Command. The 452d

Family Support Group met every Wednesday to discuss the ways in which they could best support family members of the mobilized soldiers. On Saturdays, they frequently showed videos of the mobilized soldiers stationed in Hungary and provided access to e-mail for communication between soldiers and their family members.

Each and every family member deserves recognition, but at the risk of leaving someone out, I would like to mention the following officers of the 452d Family Support Group: Sandy Robinson, South Dakota Reserve Family Support leader; Ronnie Evenson, unit leader; Becky Parker, group leader; Lois Beckner, group leader; Mary Ewalt, group leader; and Donna Schulte, assistant group leader.

I would also like to mention the important service provided by the unit members who were not mobilized, but who remained in South Dakota and provided the ever-important moral support to their colleagues serving overseas. These individuals, including mechanics, administrative personnel, and others, continue to ensure that the unit is ready to serve their nation at a moment's notice.

It is also important to recognize those employers who stood by their employees called upon to serve their nation. The commitment of employers like these allow our country to rely so heavily on its reserve and guard forces.

It is with much relief and pride that I join the family members of the 452d and all South Dakotans in welcoming the following troops safely home from their mission. It is from this service that the 452d has formed a strong bond with the community of Aberdeen and the State of South Dakota, and I thank them for their service.

Sgt. Brian Allmendinger, Spc. Joellen Allmendinger, Spc. J. Arlt, Spc. Travis Atkinson, 1st Sgt. Troy Beckner, Spc. Michael Bell, S.Sgt. Chad Bierman, Sgt. Kirk Bierschenk, Sgt. Scott Black, Pfc. Wileen Blacklance, Spc. Hollie Breitag, S.Sgt. Rodney Buck, CW2 Aaron Donat, Sgt. Eric Donat, S.Sgt. Joel Donat, S.Sgt. Mark Dunwoody, Sfc. Ronald Evenson, S.Sgt. Michael Ewalt, Sgt. Janel Fonder, Spc. Robin Freeland, Sgt. Calvin Gardner, Sgt. Chad Gardner, Sgt. Brian Grabowska, Sgt. Kevin Gustafson, Sgt. Daniel Haberling, Spc. Kristi Heintzman, S.Sgt. Brabdon Herold, Sgt. Adam Heyd, Spc. Joshua Horner, Sgt. Sean JOHNSON, S.Sgt. Stanley Kannas, Spc. Justin Kappes, Sgt. Daniel Karst, Sgt. Jyson Karst, S.Sgt. Daryl Kiefer, S.Sgt. Gary Kindle, Spc. Deric Knutson, Sgt. Deidra Kolb, S.Sgt. Gene Kopetsky, S.Sgt. Donald Kraemer, S.Sgt. Scott Lane, Sfc. THOMAS Mailloux, S.Sgt. David Manning, Sgt. Philip Marnette, Spc. Rebecca McGannon, Pfc. Shawn Nash, Spc. John Naumann, Spc. Britt Nelson, Sgt. Jeffrey Norden, Spc. Benjamin Ochs, 1st Lt. Kritina Ochsner, Sgt. Lance Ordal, S.Sgt. Darrell Pfeifle, Sgt. Jerry Plank, Spc. Derrick Quitsch, Spc. Jammey Rawden, CW4 Freddie Robinson, S.Sgt. Kevin Roush, S.Sgt. Jason Rydberg, Spc. Joshua Ryowski, S.Sgt. Todd Salfrank, Sgt. Robert Sayer, Sgt. Justin Scepaniak, S.Sgt. Paul Schilling, Sgt. Dawn Schlotte, 1st Lt. John Schulte, Sgt. Jeffrey Severson, Spc. Cassandra Shaffer, Sgt. Michael Stofferahn, Sgt. Kenneth Sutton, Sgt. Wade Taylor, Sgt. Tonda THOMAS, S.Sgt. Terry Thue, Sgt. Joseph Thyne, W0C David Trego, S.Sgt. Chad Vetter, S.Sgt. Tamera Voss, Sgt. James Welch, Spc. Charles Willis, Sgt. Shannon Wright, and S.Sgt. Kenneth Young.●

INTERNATIONAL SATELLITE REFORM

● Mr. BURNS. Mr. President, in recent days, Chairman MCCAIN and I have addressed the Commerce Committee's communications agenda for next year. I expect the Communications Subcommittee, which I chair, to have an active and full slate of issues as we approach the second session of the 105th Congress.

Chairman MCCAIN and I have agreed that the Communications Subcommittee will hold a series of oversight hearings on the implementation of the Telecommunications Act of 1996. We will examine the degree to which the act has met its objectives of promoting competition and deregulation. We will examine the level of competition in the local and long-distance markets, between cable companies and alternative video providers, competition in the wireless industry and other important issues. We will devote considerable attention to interconnection issues and universal service.

I would like to address in some depth an issue that will be one of the most important issues before the Communications Subcommittee, that of international satellite reform.

The Communications Subcommittee has already begun to examine the international satellite communications market. On July 25 of this year, the subcommittee held a very informative hearing on this vital issue. We learned of the need for further changes in the regulation of the international market. We need to promote greater competition internationally while lifting unneeded regulations domestically. The issues in this debate are complex—they involve trade policy, fair treatment for those with existing investments, allocations of spectrum and orbital slots, market access, and elimination of outdated regulations.

Recently, my colleague from Hawaii, Senator INOUYE, introduced S. 1328, which is virtually identical to a bill introduced earlier this year in the House by Chairman Bliley. Senator INOUYE has stated that he hopes his bill will help ''spur debate on this important issue.'' I share this hope. Senator INOUYE's bill has been referred to the Commerce Committee. I look forward to working with him and others next year to develop an appropriate international satellite policy for the future, and also to address other domestic satellite issues.

As we move forward, I am going to be guided by the principles of former President Ronald Reagan. In 1984, President Reagan signed an Executive order that effectively eliminated outdated regulations and allowed U.S.-licensed satellite companies to compete around the world. That competition has resulted in greater consumer choices, lower prices, and the ability to reach anyone anywhere in the world.

Now as we approach the turn of the century, we need to complete President Reagan's vision. The Satellite Act, which was enacted in 1962 at a time when satellites were still experimental, has become outdated. This country cannot afford to have an industry guided by rules that were created in the days of Sputnik. We need to look forward at ways to roll back unwarranted regulations and fully unleash the potential that this industry holds.

I share the goals of increasing competition, privatizing intergovernmental organizations, and enhancing market access abroad for American satellite companies. Any legislative action should be designed to promote opportunities for American businesses, while making sure they are not harmed by the very effort that seeks to enhance their ability to succeed in the international marketplace. These are extremely complex issues and there may be different paths that lead to the same goals. The approach the subcommittee will take in further exploring these issues will be balanced. We will examine in detail how best to eliminate outdated regulations, address universal service concerns and provide for the needed flexibility to achieve an international agreement on satellite policy.

I will continue to work with the Communications Subcommittee on this critical issue. I look forward to holding further hearings, and intend to develop legislation with Chairman MCCAIN, ranking member HOLLINGS, Senator INOUYE, and other committee members to establish fair rules that are competitively neutral for the international market.●

THE ''ONE GOOD COW'' PROJECT

● Mr. BAUCUS. Mr. President, I rise today to recognize the accomplishments of two outstanding Montana cattlewomen, Michelle Tebay and Lisa Schmidt of Whitehall, MT.

This past year has been tough in Montana and across the West for many cattle producers. They incurred severe losses due to floods and blizzards. But thanks to the hard work and vision of Michelle Tebay and Lisa Schmidt, hope is on the horizon. They initiated a project called ''One Good Cow,'' and it certainly deserves our attention.

In Montana, we pride ourselves on looking out for one another—especially

during challenging times. When Michelle heard about all the cattle losses Western ranchers were suffering, she contacted Lisa who works as an Ag Extension agent for Madison and Jefferson Counties. Together, the two women formulated a plan. And, that plan was to convince ranchers who survived the storms to help the less fortunate replenish their herds. The dream has become reality.

Today, the ''One Good Cow'' project is working to collect and transport 80,000 healthy, pregnant cows to folks who lost significant portions of their herds last winter. And the good news is that their fellow ranchers from across the Nation are donating these cattle. This teamwork has resulted in success for all. It has even gained national media attention and will be featured on national TV network news later this week.

The ''One Good Cow'' program is a prime example of how ranchers from all over the United States can work together in times of adversity. That shouldn't surprise anyone. Ranchers have always relied on each other as they face the worst that Mother Nature has to offer.

But the real credit goes to Michelle and Lisa. Mr. President, it is impossible to count the number of lives that will be touched by their idea. I would just like to add my voice to all the others and say ''Thank you, so much, Michelle and Lisa.''

I encourage all of my colleagues to become familiar with the ''One Good Cow'' Program and give it their full support. Our ranchers are depending on it.●

PROTECTION OF U.S. BORDERS

● Mr. GRAMM. Mr. President, when we convene for the second session of the 105th Congress, I will introduce legislation which will authorize the U.S. Customs Service to acquire the necessary personnel and technology to execute their duties at our international borders with Mexico and Canada. Specifically, my proposal is designed to reduce delays at border crossings to not more than 20 minutes, while maintaining—in fact, strengthening—our commitment to interdict illegal narcotics and other contraband.

In working with local officials, businesses, the Border Trade Alliance, and several of my colleagues, it has become evident that the best way to accomplish these objectives is to increase Customs staffing and provide the technological resources that can give them the best chance at accomplishing their mission. Customs staffing needs to be increased significantly to facilitate the flow of substantially increased traffic on both the Southwestern and Northern borders. The practical effect of these personnel increases will be to open all the existing primary inspection lanes where congestion is a problem during peak hours and enhance investigative resources on the Southwest border.

I am very concerned about the impact on Texas and the Nation of narcotics trafficking and have worked closely with Federal and State law enforcement officials to identify and secure the necessary resources to battle the onslaught of illegal drugs. At the same time, however, our current enforcement strategy—which is burdened by insufficient staffing and a virtual absence of vital interdiction technology—is effectively closing the door to legitimate trade.

Long traffic lines at our international crossings serve no useful purpose and are counterproductive to improving our trade relationship with Mexico. At a time when NAFTA and the expanding world marketplace are making it possible for us to create more commerce, freedom, and opportunity for people on both sides of the border, it is important that we eliminate the border crossing delays that are stifling these goals.

My bill will be designed to shorten those lines and promote legitimate commerce, while providing the Customs Service with the means necessary to eliminate the drug trafficking operations that are now rampant along the 1,200-mile border that my State shares with Mexico. I will be speaking further to my colleagues about this initiative and urge their support for the bill.●

FAST-TRACK LEGISLATION

Mr. FEINGOLD. Mr. President, I want to offer some thoughts on the proposed fast-track legislation.

A number of other Members have made some excellent points on this subject, in large part reflecting my own views.

This is especially true of the comments made by the senior Senator from West Virginia [Mr. BYRD], and I want to commend him for his constancy on this critical issue of preserving the constitutional role of Congress in matters of trade.

He has rightly framed this issue, not as a question of favoring or opposing free or fair trade, but as a question of what role Congress plays in trade agreements.

Mr. President, the fast-track proposal we are considering, and its predecessors, are quite recent inventions.

Prior to the Tokyo round of the GATT, there was no fast-track mechanism.

In fact, of the hundreds and hundreds of trade agreements our Nation has negotiated and entered into, only five have used the fast-track procedures.

Mr. President, this should dispose of the argument that fast track is necessary for us to negotiate trade agreements.

Fast track has been the exception, not the rule, with regard to trade negotiations.

I understand this Administration has negotiated and implemented over 200 trade agreements without fast track.

What were some of those agreements?

Well, Mr. President, they included: the market access agreement with Argentina for textiles and clothing; the market access agreement with Australia for textiles and clothing; the agreement on bilateral trade relations with Belarus; the market access agreement with Brazil for textiles and clothing; an agreement concerning intellectual property rights with Bulgaria; an agreement between the United States of America and the Kingdom of Cambodia on trade relations and intellectual property rights protection; the agreement on salmon and herring with Canada; the agreement on ultra-high temperature milk with Canada; the agreement on trade in softwood lumber with Canada; the agreement on intellectual property rights protection with Ecuador; a memorandum of understanding on trade in bananas with Costa Rica; several agreements with the European Union; an agreement on intellectual property rights protection with India; several dozen agreements with Japan; several dozen agreements with Korea; and many, many more agreements with dozens of other countries.

And not only bilateral agreements, Mr. President, but also multilateral agreements such as the complex Multilateral Agreement on Investment, the Information Technology Agreement, and the Telecomm Agreement—these last two having been both negotiated and implemented without fast-track procedures.

Indeed, Mr. President, the phrase ''fast-track negotiating authority'' is a misnomer.

The President already has the authority to negotiate and implement trade agreements.

That broad authority was most recently extended indefinitely to the President as part of the 1994 GATT Uruguay round implementing legislation.

That authority, called ''Proclamation Authority,'' has its roots in the Reciprocal Trade Act of 1934, which allowed a President to ''enter into foreign trade agreements * * * and to proclaim such modifications of existing duties and other import restrictions * * * as are required or appropriate to carry out any foreign trade agreement.''

Mr. President, while the ability to negotiate and enter into international agreements are inherently part of the President's constitutional powers, the Constitution grants exclusive authority to Congress ''to regulate Commerce with foreign nations.''

Congress has sole constitutional authority over setting tariff levels and making or changing federal law.

With the 1934 act, though, Congress delegated some of its authority to the President when the number and frequency of trade negotiations began increasing.

It is under this ''Proclamation Authority'' that President Clinton has negotiated and entered into over 200 trade agreements.

And he is free to continue that work.

He did not need fast track to negotiate those agreements, and he does not need it to negotiate additional agreements.

At a recent meeting on this very issue, one of the participants suggested that everyone ought to pay a one dollar fine every time they used the phrase ''fast-track negotiating authority,'' because it was so fundamentally misleading.

Mr. President, the Senate might consider adopting such a rule, and if we did adopt a $1 fine for using the phrase ''fast-track negotiating authority,'' we might balance the budget ahead of schedule, maybe even begin to pay down the debt.

Until we do adopt such a rule, Mr. President, we will just have to be alert to the misuse of that phrase, and correct those who employ it.

Mr. President, those who support fast track constantly make the argument that if you want free trade, you have to enact fast track.

They equate fast track with free trade.

The reason is obvious.

The arguments for free trade are powerful.

Indeed, I agree with those arguments.

We as a nation are better off in a world with freer trade than we are without it.

But the underlying premise, that we need fast track to achieve free and fair trade, is absolutely false.

Mr. President, I have referred to the hundreds of trade agreements negotiated by this Administration without fast-track procedures.

That is evidence enough.

But let me also argue that not only is fast track not necessary for free trade, it may actually undermine it.

Mr. President, one of the greatest defects of the recently enacted NAFTA and GATT agreements was the perception that those agreements picked winners and losers.

I believe strongly that those perceptions are based on reality, that some industries were huge winners in those agreements, while other industries were effectively written off.

Mr. President, Wisconsin had more than its share of those industries that were written off, and at the top of that list, at the very top was the dairy farmer.

There is no doubt in my mind that other industries were given a higher priority than our dairy farmers, and the results of those agreements underscore that feeling.

Under the GATT, the European Union is allowed to export 20 times the amount of dairy products under subsidy that the United States is allowed to export.

Mr. President, not only did we formally provide the EU this significant advantage in that agreement with respect to dairy, apparently the EU is not even complying with those incredibly generous limitations.

The lower priority industries do not end with dairy, and while our more populous cities—Milwaukee, Madison, Green Bay—experienced serious job the fallout from the winners and losers approach extended to many smaller communities.

Even if we only use the extremely conservative statistics collected by the Department of Labor—statistics which many argue grossly understate actual job loss—smaller communities all over Wisconsin have been the victim of this winners and losers approach to trade agreements.

These include places such as: DeForest, with 40 lost jobs; Elkhorn, with 50 lost jobs; Hawkins, with 443 lost jobs; Mauston, with 48 lost jobs; Merrill, with 84 lost jobs; Montello, with 25 lost jobs; Peshtigo, with 69 lost jobs; and Platteville, with 576 lost jobs.

Mr. President, to trade negotiators whose focus was on advancing the prospects of those industries they predetermined to be winners, the losses experienced elsewhere apparently were unfortunate but acceptable.

For the communities I mentioned, Mr. President, those losses were real—real workers with real families to support.

Mr. President, the fast-track procedures under which GATT and NAFTA were negotiated and implemented invites this kind of polarization at the negotiating table.

And it is this kind of economic disparity produced by these trade agreements—the picking of winners and losers—that undermines broad public support for pursuing free trade agreements.

Mr. President, free trade ought to benefit all sectors of the economy.

Without fast-track procedures, our negotiators will know their work product will undergo rigorous congressional scrutiny.

And they will know that it will be much more difficult to enact a trade agreement that disproportionately benefits some while disadvantaging others.

Mr. President, it is this kind of trade agreement—one which benefits the entire economy—that will enhance the cause of free trade.

Mr. President, fast track also encourages another disturbing trend in trade agreements, namely advancing the short-term interests of multinational corporations over those of the average worker and consumer.

The increasing globalization of the economy confronts us every day.

Few can doubt the enormous power multinational corporations wield in trade agreements, from the negotiating table itself to the closed-door bargaining that will go on before the implementing legislation is sent to Congress.

Fast track procedures make it all the easier for those interests to advance an agreement that may include provisions which conflict with the interests of our Nation.

With opposition to the entire agreement the only alternative left to Congress, and with the considerable weight of the multinational corporate interests behind any proposal, it is likely that Congress will swallow even a deeply flawed agreement.

Mr. President, what does that do for the public support necessary for free trade?

It severely undermines it, Mr. President, and puts future trade agreements that can enhance our economy at risk.

Fast-track also undermines the cause of free trade in another important way, Mr. President.

The proposal we are considering partitions off a number of issues that are vital to achieving a sustainable trade agreement, including currency stability, human rights, and worker and environmental protections.

None of these issues is brought under fast-track procedures.

Mr. President, we have only to look to recent Mexican history, their political turmoil and fiscal roller coaster culminating in the peso crisis, to understand the importance of these other issues to the long-term success of any trade agreement.

Even NAFTA's most ardent supporters will concede these events severely undermined any benefits to our economy that were hoped for under that agreement.

Mr. President, one might have thought those events would have been a lesson on which we could draw.

Instead, the fast-track proposal actually backslides in this area.

And for what reason, Mr. President?

What possible reason can there be to specifically exclude these areas from fast-track procedures?

Some might suggest the reason is that while our national long-term interests could be well served by including these issues in a trade agreement to ensure a rising quality of living with our trading partners, such issues might conflict with the short-term goals of some multinational interests that look only at next year's bottom line.

Others might argue the reason stems from the desire of some interests to pursue a race to the bottom in worker and environmental protection, and in basic human rights.

Such interests can use the leverage of international trade to change those fundamental standards they have been unable to change directly.

Mr. President, there is certainly no argument that specifically excluding these issues from fast-track procedures will enhance our ability to negotiate.

Human rights, working conditions, environmental protections —these are all great strengths of this Nation.

Preventing our trade negotiators from drawing on these great national strengths limits our flexibility at the table.

There is no reason to tie our negotiators hands in these areas.

In this important regard, the fast-track proposal we are considering is a barrier to a sustainable free trade agreement.

Mr. President, let me turn to another provision in the current fast-track proposal.

It may surprise some to know that while specific issues closely related to the long-term success and sustainability of any trade agreement are excluded, the provisions which offset the costs of any trade agreement—provisions which have absolutely no connection to the trade agreement or the willingness of our partners to negotiate with us—those funding provisions are covered by fast-track procedures.

What does this mean, Mr. President?

It means that Congress cannot amend, it cannot even strike, provisions which are attached to implementing legislation to offset the costs of the trade agreement.

It means that the most unjustified funding mechanism attached to trade implementing legislation under fast track will remain unscathed.

Mr. President, let me stress these funding provisions are not part of the trade agreement itself.

Our trading partners do not get a say in how we offset the cost of a trade agreement.

One might ask, if our trading partners have no say in the offset provisions, why are those provisions included under fast-track procedures.

An excellent question, Mr. President.

Many of us will recall the GATT implementing measure which included some controversial funding provisions, including a change in the actuarial standards of the Pension Benefit Guarantee Corp. and what many viewed as a sweetheart deal for certain media giants that gave them preferential treatment with respect to FCC licenses.

Neither of those offsets had anything to do with the underlying trade agreement.

Both certainly deserved more scrutiny than they received under the constraints of fast-track procedures.

Whatever justification there may be for providing special procedures for trade agreements, procedures which supporters argue are necessary to attract our trading partners to the table, there is no such justification for shielding the funding provisions from thorough congressional scrutiny and review.

Mr. President, we are talking about possible tax increases here.

Though not required, as I understand it, among the offsets that comply with our budget rules are tax increases.

To put it gently, it is ironic that many who would amend our Constitution to require a supermajority vote before any taxes could be increased are now prepared to support a fast-track bill that sweeps away even the most modest review of possible tax increases.

Evidently, as long as it is done in the name of free trade, even the most outrageous inconsistency is permitted.

Mr. President, let me reiterate that many of us who support free and fair trade find nothing inconsistent with that support and insisting that Congress be a full partner in approving agreements.

Indeed, as Senator BYRD has noted, support for fast-track procedures reveals a lack of confidence in the ability of our negotiators to craft a sound agreement, or a lack of confidence in the ability of Congress to weigh regional and sectoral interests against the national interest, or may simply be a desire by the administration to avoid the hard work necessary to convince Congress to support the agreements it negotiates.

Mr. President, I can think of no better insurance policy for a sound trade agreement than the prospect of a thorough Congressional review, complete with the ability to amend that agreement.

Not only would the threat of possible Congressional modification spur our negotiators to produce the best product possible, that potential for Congressional intervention could serve as an effective club in the hands of our negotiators when bargaining with our trading partners.

Mr. President, with hundreds of trade agreements negotiated and implemented without fast track, the refrain we hear again and again, that we need to enact fast track in order to negotiate trade agreements, is off key.

We do not need fast track to negotiate trade agreements.

As I have argued today, in several important ways, fast-track invites bad trade agreements.

It produces agreements that pick winners and losers instead of advancing all sectors of the economy together.

It produces agreements designed to respond to the short-term interests of multinational corporations instead of fostering long-term sustainable economic growth.

It produces agreements that encourage a race-to-the-bottom in critical areas of human rights, and worker and environmental protection, instead of improving those standards around the World.

It protects the completely unrelated funding provisions in trade implementing legislation, and as such invites enormous abuse.

Mr. President, fast track is bad for free trade.

We don't need it, and we shouldn't enact it.

I urge my colleagues to join me in opposing this legislation, and in doing so, voting for free and fair trade.●

TRIBUTE TO DON NOEL

● Mr. DODD. Mr. President. As 1998 rolls around, so does another election. But this upcoming campaign season will be different from any other that I have ever known. For the first time since I entered public office in 1974, a certain dapper reporter with a flower in his lapel will not be there reporting the facts of the campaign and offering his assessments. Don O. Noel, Jr., who is one of the most prominent and respected journalists in Connecticut history, has retired after working for 39 years as a political reporter in Hartford.

Don Noel's career as a journalist dates all the way back to 1958, the year that my father was elected to the first of two terms as a U.S. Senator. It is amazing for anyone to have such a long career in any field, particularly in an area as mentally, physically, and emotionally demanding as journalism.

Don Noel started out as a writer for the Hartford Times, where he worked for 17 years. For a change of pace, he ventured into television journalism and spent a decade at WFSB–TV Channel 3. He eventually returned to print journalism in 1984 when he became a political columnist for the Hartford Courant, where he stayed until his retirement.

Don Noel was an old-school reporter in the truest and best sense of the term. He was always courteous and respectful of the people he interviewed and wrote about. At the same time, he refused to skirt around difficult issues and never refrained from asking stinging questions or making pointed comments. He felt that part of his role as a journalist was to comfort the afflicted and afflict the comfortable.

Don Noel was able to succeed for so long because he was a reporter of substance who cared about the truth and cared about his readers. He understood that his role as journalist was to hold politicians accountable for their actions and to serve as a watchdog on behalf of the general public.

Don Noel did more than simply report the facts, he also interpreted them. As an editorial page writer, he was responsible for offering his opinions on the issues of the day. Not everyone agreed with his ideas, but everyone respected them because they were always thoughtful and well-developed. Most of Mr. Noel's criticisms were aimed at those who tended to be a bit more conservative, but to the end he remained an equal opportunity critic. It didn't matter if you were a Democrat, Republican, or Independent; if you were a public official and Don Noel thought that you were anything less than an upstanding public servant, it's safe to say that your name would be in the paper that week.

One of his colleagues at the Hartford Courant noted that Don Noel was an institution not because of the number of years he put into service, but how well he applied them. I strongly concur with these sentiments and believe that Don Noel was one of the finest people that I have had the pleasure of knowing during my career in politics.

While his retirement is truly a loss for the people of Connecticut, I am glad that he will finally have more time to do the things that he truly enjoys. He has said that he plans to spend a good deal of his new-found free time doing community service work in the neighborhoods of northwest Hartford, where

he has volunteered for more than a decade. He also hopes to travel with his wife and have an opportunity to try other kinds of writing in which he won't have a deadline hanging over his head. Whatever he chooses to do in his retirement, I wish him only the best, and I thank him for his many years of service to the people of Connecticut.●

TRIBUTE TO PIETRO PARRAVANO

● Mrs. BOXER. Mr. President, today I would like to recognize Pietro Parravano, a remarkable individual who has distinguished himself not only as an outstanding commercial fisherman, but as an eloquent ambassador for the fishing industry, regionally, nationally, and abroad.

A graduate of Eastern Michigan University, Mr. Parravano was an instructor of physics before becoming an active commercial fisherman 15 years ago. Mr. Parravano sails his vessel, the F/V *Ann-B*, from the port of Half Moon Bay in northern California.

A leader in the community, Pietro Parravano has represented the fishing industry in a variety of capacities. He has served as president of the Half Moon Bay Fishermen's Marketing Association, president of the Pacific Coast Federation of Fishermen's Associations, and chair of the Institute for Fisheries Resources. He is also a member of both the Local Fisheries Impact Program and the California Seafood Council.

Mr. Parravano has often played an important role in shaping sustainable fishing policies. He was appointed by the Governor to the Bay-Delta Advisory Committee, has been elected commissioner to the San Mateo County Harbor Commission, and will soon serve as a United States delegate to the World Forum of Fish Harvesters and Fishworkers to be held in India.

Time and again, his colleagues, the community, and the Government have trusted Pietro Parravano to represent the interests of fisher men and women.

It is my pleasure to congratulate Pietro Parravano upon receiving the 1997 Highliner of the Year Award, the fishing industry's highest honor.

Mr. Parravano is a credit to the fishing industry and to the State of California. I applaud his record of outstanding and dedicated public service and extend to him my sincerest appreciation for his commitment to sustainable fishing and the betterment of the lives of fishing men and women.●

THE PROSTATE CANCER RESEARCH STAMP ACT

● Mr. BURNS. Mr. President, I am pleased to join with Senator SNOWE in introducing the Prostate Cancer Research Stamp Act of 1997 and urge the support of my colleagues. S. 1389 is a companion bill to Representative SHERROD BROWN's bill, H.R. 2545, which has 41 cosponsors.

The Prostate Cancer Research Stamp Act would authorize a new first-class stamp priced at up to 8 cents above a regular first-class stamp. Postal patrons who choose to purchase the prostate cancer stamp will be contributing to prostate cancer research at the National Cancer Institute. As important, a special prostate cancer stamp will help to raise awareness of this disease, promote screening, and save lives.

Prostate cancer, the most common form of cancer in American men, will take 41,000 lives this year, nearly approaching the breast cancer death toll of 44,300. One of every eight is at risk of getting prostate cancer. Unfortunately, as the number of prostate cancer cases rises dramatically, research funding lags far behind what is needed to fight this disease. Although prostate cancer accounts for nearly 25 percent of diagnosed non-skin cancer, only 3.7 percent of Federal cancer research dollars are devoted to fighting it.

Apart from the important contribution to prostate cancer research, the prostate cancer stamp will raise awareness of this disease and help to persuade men over age 40 to have annual prostate exams. Prostate cancer is detectable, and when found early is often fully treatable through several different methods, including surgical removal of the prostate and radiation treatment. Men must demand both a PSA blood test and a digital-rectal exam as part of their annual medical exam. At the recent Senate Aging Committee hearing on prostate cancer, I commented that we men are such crybabies that we go out of our way to avoid medical tests. The women at the hearing erupted in laughter, but the men were pretty quiet. The fact is that prostate cancer can only be treated early if it's detected early, and the long list of survivors all say that early detection made the difference.

The sooner we enact this bill and make a postage stamp available, the greater the number of men who will get tested; and more testing means more men will survive prostate cancer.●

THE 10TH ANNIVERSARY OF THE WETHERSFIELD TEEN THEATER COMPANY

● Mr. DODD. Mr. President. I rise today to pay tribute the Wethersfield Teen Theater Company, which is about to celebrate its 10th anniversary. This company was founded in 1988 by 15-year-old Bill Fennelly who was frustrated by the lack of opportunities in the theater for young people in the Wethersfield area, and the name of the company that Bill created indicates what makes this group so unique and special—it is run by and for teenagers.

Whether it's the director, the choreographer, or a member of the lighting crew, every member of the company must be between the ages of 11 and 21. The company members have complete artistic control over their productions, and they are also responsible for raising money and doing publicity for each play. Not only has the Wethersfield Teen Theater given hundreds of young people an opportunity to express themselves artistically and experience the feeling of performing live on the stage; but this company also gave many young people leadership opportunities that people their age don't traditionally enjoy. People who participate in the Wethersfield Teen Theater learn lessons about personal responsibility that they will carry with them throughout their lives.

When the theater company was founded there were many doubters. Not only were people skeptical that a group of teenagers would be able to put on a quality theatrical production, there were questions about their ability to raise the money to stage a production. The Wethersfield Teen Theater put on a spring review called ''On Broadway,'' and they were able to raise the money to stage a production of ''Joseph and the Technicolor Dreamcoat.''

''Joseph'' was major success, and in 1990, the teen theater gained the official sponsorship of the Wethersfield Recreation and Parks Department. While the sponsorship provides the company with free rehearsal and performance space, the theater company is not a budgeted program and the teens still must earn all the money required to produce each show.

Since its founding, the Wethersfield Teen Theater Company has put on a major summer and spring production every year. In addition, the company also sponsors children's workshops that are designed to get children interested in theater. They also perform at local community events, elementary schools, and hospitals.

For a decade, people have been enjoying the talent, enthusiasm, and creativity of the Wethersfield Teen Theater Company, and on January 3, 1998, the group will celebrate its 10th Anniversary with the performance of a production called ''Our Time.'' I am certain that this production will be a great success, and I hope that this wonderful theater company will continue enriching the lives of young people in the Wethersfield area for many decades to come.●

IN MEMORY OF THE OGONI 9

● Mr. FEINGOLD. Mr. President, today I want to commemorate the anniversary of the tragic deaths of nine Nigerian activists. Two years ago this week, Mr. Ken Saro-Wiwa and eight other Ogoni leaders were brutally executed by the regime of Gen. Sani Abacha.

Ken Saro-Wiwa was a renowned playwright and author, who also happened to be the president of the Movement for the Survival of the Ogoni People, or MOSOP. He and several other colleagues were arrested shortly after four rival Ogoni leaders were killed by a mob in May 1994. They were detained without charge for a year, until May 19, 1995. Then, after trials that are

widely believed to have been unfair and politically motivated, Saro-Wiwa and eight others—Barinem Kiobel, Saturday Doobee, Paul Levura, Nordu Eawo, Felix Nuate, Daniel Gbokoo, John Kpuinen and Baribor Bera—were convicted of complicity in the 1994 murders, and sentenced to death by a civil disturbances special tribunal run by the military.

Mr. President, when the death sentences of these individuals were first made public, I and many other members of Congress asked General Abacha to have mercy and exercise his prerogative of executive clemency. We wrote to President Clinton and made calls to the Nigerian representatives to the United Nations and Washington. But, alas, our efforts were to no avail. The nine men were hanged on November 10, 1995.

Now, Mr. President, 19 other Ogoni activists remain in prison in Nigeria on the same trumped up charges and could face a similar fate. According to reports from several human rights organizations, the Ogoni 19 have been severely beaten and tortured, and many are suffering from ill health. They reportedly are kept in insanitary prison conditions, are denied food and medical treatment, and rarely, if at all, are granted access to outside visitors, including their lawyers. This lack of contact has stalled attempts to have the detainees released on bail or brought to trial before ordinary, civilian courts. The situation is so dire that, in August, the detainees went on a hunger strike for 10 days to protest the continuing obstructions to their release or trial. The authorities reportedly have had no response.

Alas, the deplorable condition of these Ogoni activists is not unique in Nigeria. Hundreds of individuals remain in detention centers or prisons for seemingly political motivations. The flawed judicial process that led to the 1995 death sentences is still in place and threatens the lives of these political prisoners. Numerous Nigerian laws allow for arbitrary detention for reasons ranging from ''personal pique by a senior official to 'national security,''' according to information provided to me by the State Department.

With a population of more than 100 million people and vast natural resources, Nigeria has the potential to be one of the most important players on the African stage. But the military junta led by General Abacha is squandering the country's future by rampant corruption, severe economic mismanagement, and brutal policies that threaten basic freedoms. Moreover, the so-called transition program bears little hope of ensuring a transition to a fairly elected civilian government.

As we remember the lives of the Ogoni 9, let us not forget those Nigerians whose struggle for basic freedoms continues even now. I hope my colleagues will join me in honoring this solemn occasion.●

RETIREMENT FROM CONGRESS OF REP. FLOYD H. FLAKE

● Mr. MOYNIHAN. Mr. President, Adlai E. Stevenson remarked of Eleanor Roosevelt that ''She would rather light candles than curse the darkness and her glow has warmed the world.'' So it is with my dear friend and colleague, Representative FLOYD FLAKE of Queens, who will be retiring from Congress this Saturday, November 15. Few individuals can match his accomplishments, which have materially and spiritually benefited so many. I view his departure as bittersweet. He is going home to his church, answering God's call ''to a greater ministry and to a greater work,'' as he has put it. Surely, his congregants will be happier for his decision. But we will sorely miss him here in Congress.

Representative FLAKE was born in Los Angeles and raised in Houston—1 of 13 children born to parents with fifth- and sixth-grade educations. Modest circumstances. But in the words of an October 19, 1997 New York Times magazine article by James Traub, ''they (people who told FLAKE he would never go to college) hadn't reckoned on his mother, who taught the kids how to sew and wash and cook, or his fiercely self-improving father.''

Representative FLAKE received an undergraduate degree from Wilberforce University, the first black college in America, founded in 1856 in Ohio under the auspices of the African Methodist Episcopal [A.M.E.] Church and named after the great English statesman and abolitionist, William Wilberforce. From there, on to graduate study at Payne Theological Seminary and Northeastern University and jobs early in his career as a Head Start social worker and market analyst for Xerox.

In 1976, Representative FLAKE—barely 31—became pastor of the Allen A.M.E. Church in Jamaica, Queens. At that time, the church congregation numbered about 1,200; the church's annual budget was about $250,000. There were three employees. Now, some 20 years later, the congregation has grown to nearly 9,000 souls. The church and its subsidiaries have an annual budget exceeding $24 million. Tithes and offerings alone exceed $5 million—this from a mostly middle-class congregation.

When considering Reverend FLAKE's stewardship, the Parable of the Mustard Seed comes to mind. Allen A.M.E. Church-sponsored community development enterprises now include a 300-unit apartment complex for the elderly; the Allen Christian School, which has an enrollment of some 400 elementary students—and a growing waiting list; hundreds of single-family and two-family homes; a strip mall; an office complex; a home care agency; a credit union; and a transportation company. The Allen A.M.E. Church and its subsidiaries employ 800 people. Only Kennedy Airport employs more people in the Sixth District.

In the middle of this remarkable stewardship, he earned a Doctorate of Ministry degree from the United Theological Seminary in Dayton, OH, and he became a Member of Congress. He has ably represented the Sixth District, which covers southern and southeastern Queens, since 1986. As a result of his efforts, the Food and Drug Administration and the Federal Aviation Administration are building major facilities in the district. As a senior member of the House Committee on Banking and Financial Services, he has been an indefatigable architect of innovative public and private urban investment programs. While other politicians have abandoned urban communities, FLOYD FLAKE has found ways for such communities not only to survive, but to thrive. While others curse the darkness, FLOYD FLAKE lights candles.

Perhaps the capstone of his accomplishments is the new Allen A.M.E. Church cathedral on Merrick Boulevard. The $23 million cathedral is 93,000 square feet and seats 2,500. It is the largest church structure to be built in New York City since 1954. Heinrich Heine remarked that it takes more than mere opinion to erect a cathedral, it takes conviction. Indeed it does. Reverend Flake secured a $15 million mortgage for the project from Chase Manhattan Bank Corp.—the largest loan Chase has ever made to a religious institution. That's conviction.

Given all of these commitments, it is understandable that FLOYD FLAKE feels he must go home and minister to his church community full-time. The community will be richer for his presence. We here will be poorer.

Mr. President, the inscription on Sir Christopher Wren's tomb in St. Paul's Cathedral reads, Si monumentum requiris circumspice. ''If you would see the man's monument, look around.'' If you would see FLOYD FLAKE's monument, go to Jamaica, or to St. Alban's, or to Rosedale, or to Laurelton, or to nearly any neighborhood in Queens, and look around.

And so, to my friend, his wife Elaine, his daughters, Aliya and Nailah, and his sons, Rasheed and Hasan, I say, ''Godspeed.''●

HEROES SHINE IN NORTH DAKOTA FLOOD

● Mr. DORGAN. Mr. President, as my colleagues in the Senate are well aware, one of the Nation's worst weather-related disasters of the year was the devastating flooding in Grand Forks, ND and the entire Red River Valley. This historic flood captured the attention of the Nation in late spring as over 95 percent of the residents of Grand Forks and East Grand Forks were evacuated from their homes and much of North Dakota's second largest city's downtown district was ravaged by fire and water.

Disasters have a way of bringing out the true character of people, and that certainly was the case in North Dakota. History will have a dramatic record of the loss and devastation of

the flood. I also hope that it will record the tremendous efforts made by many North Dakotans to survive and to rise to the occasion with heroic feats.

Now that a few months have passed since the waters have subsided, it is time to reflect back on some of the many heroes—people that stepped up when their community needed them—whose efforts shined despite the rising waters.

In a disaster the extreme importance of a communication system is pivotal in fighting back and preserving the safety of those in the area. Today, I would like to recognize the efforts of several US West Communications employees who worked tirelessly to maintain critical telephone service to the Grand Forks area throughout the flooding.

On April 19, 1997 a crew of nine central office technicians barricaded themselves into the US West building in the heart of Grand Forks to keep the communication systems of the area up and running during the disaster. The extensive preventive work that the US West workers completed to get ready for the flooding would now be tested as their building was surrounded by 4 feet of water, and sat just one block away from a raging fire. The work of these men and women sustained phone service to the Federal Emergency Management Agency, Federal Aviation Administration, State and local emergency workers, and so many others in the flooded region.

To give you an idea of the challenges facing these workers, they labored night and day to keep the wires dry as 26 inches of water threatened basement cables. Sustained by the food, clothing, and cots delivered via boat by the National Guard, these folks stayed on as the area was evacuated by all other people. In light of this adversity—and armed with high-volume pumps, drying machines, and sandbags—these courageous people sustained service to 50,000 area customers and hundreds of emergency workers.

I would like to recognize these heroes by name for their dedicated service is appreciated by me and many others touched by their efforts. The members of the initial emergency team were: Denny Braaten, Linda Potucek, Larry McNamara, Bob Schrader, Dan Kaiser, Dale Andrews, Glenda Wiess, Rick Hokenson, and Lew Ellingson.

Two days later, US West reinforcements arrived to provide additional support and hard work. I would like to recognize these workers now: Don Jordan, Ray Jacobsen, Tim Kennedy, Roger Jones, Bruce Bengston, Gary Boser, Jim Falconer, Bion McNulty, Jack Olson, and Tim Rogers.

I am tremendously proud of the courage and dedicated service demonstrated by the US West employees in Grand Forks. They, along with so many others who volunteered and continue the rebuilding efforts today, exemplify the North Dakota spirit.●

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS BILL

● Mrs. BOXER. Mr. President, the Labor, Health and Human Services, and Education appropriations bill that the Senate passed yesterday provides the National Institutes of Health and other Government health initiatives with funding needed to continue their work on diseases that afflict so many millions of Americans. I am glad to see that this budget will continue to place a priority on health research and, in particular on women's health. Although we have seen many advances in women's health over the past several years, much more progress needs to be made especially on such intractable problems as breast cancer.

The key to successful breast cancer treatment is early detection. Mammography has been and will continue to be a key diagnostic tool in early detection for women in the high-risk category for breast cancer. Digital mammography is the next generation technology in mammography imaging for cancer, and it offers a number of advantages over the current film technology, including: improved image quality and diagnosis; improved lesion visualization; lower overall cost of image storage and retrieval; and increased use of telemammography as a means to facilitate expert consultations.

There is a second generation digital mammography technology on the drawing boards that offers the prospect not only of improving the ability of radiologists to identify lesions in the breast, but also of significantly reducing the cost of digital mammography. One such approach, a Metal-Halide technology, holds out the promise of meeting these goals. This technology has the potential to result in an imager that could be used to replace the film imagers in existing mammography machines—rather than needing to replace the entire mammography machine.

There are significant technical hurdles that must be overcome before a product of the necessary quality of resolution for mammography can be introduced. The research and development risk may be too great for private sector companies to move forward, thus making it ideal for a Government-industry partnership.

I urge the administration to consider addressing this issue in its fiscal year 1999 budget by creating a program that would focus on key technologies that could improve women's health. This new program could place particular emphasis on technologies that will make a significant difference for women, have a high likelihood of near-term commercial development, and are likely to see widespread and rapid diffusion throughout the medical community.

Mr. President, the war on breast cancer and many other diseases has not been won. In the private and public sectors, we must be creative in looking for new approaches to address and overcome these challenges. It does little good if we make a breakthrough in the lab or corporate research facility, if we can't bring that breakthrough to market in such a way that the maximum number of people benefit. I hope the administration will give careful consideration to these kinds of new and innovative ideas in crafting its budget for the upcoming fiscal year.●

TRIBUTE TO DAN VECE, SR.

● Mr. DODD. Mr. President, within every town in the country, there are a small handful of families or individuals whose achievements and contributions to their community are so extraordinary that they become as much a part of the town's landscape as Main Street, the Court House, or City Hall. The Vece's are such a family in the town of Clinton, CT.

For decades, Vece family members have been on town boards and commissions, working on countless charity and civic events. The Vece family's contributions to town life were even honored in 1995, when the Pierson School gazebo was renamed the Vece Gazebo. But the greatest illustration of what this family meant to the vitality of this small New England shoretown could be seen once a week at a local restaurant. Each Sunday from 4 to 8 p.m. for the past 16 years, a diverse group of patrons would gather at Bill's Seafood Restaurant to enjoy the music of Clinton's favorite band. The people of Clinton loved coming out and singing the songs that they all knew, but what they loved most was the band's leader—Dan Vece, Sr. What set Mr. Vece apart from other bandleaders was not the great musical skill with which he played the banjo. What made Dan Vece so special was his zest for life. That, and the fact that he was over 100 years old.

Seeing Dan Vece on stage wearing his trademark sailor's cap and picking at his 1919 Gibson banjo, served to remind countless people that life was meant to be enjoyed. He served as an inspiration to anyone who was fortunate enough to meet him. Sadly, on September 23, 1997, Dan Vece, Sr. died at the age of 101.

Dan Vece, Sr. grew up and lived in New Haven, CT until he enlisted in the Army during World War I. After being discharged from the Army, he returned to New Haven where he married his wife of 68 years, Tilly Tullo. Together they moved to Clinton in 1919, where they operated a retail plumbing store and service. In addition to his business, Mr. Vece was one of Clinton's first police officers and served as a fireman, beginning the longstanding family tradition of public service. Mr. Vece enjoyed working and didn't retire until he was 80 years old, and he continued doing odd jobs until he was 88. He played golf until he was 96, and drove a car until he was 98, transporting senior women to the grocery store. Dan Vece was involved in countless activities, but his true passion was always his music.

He had no formal musical training, but he taught himself to play most any musical instrument that he could get his hands on. His wife was a trained musician and together they formed a band with Tilly on piano and Dan on the drums. They played together at the ice shows in Clinton and all the big jobs from New Haven to New London. And after each gig, they always loved to go out dancing.

Eventually, Tilly retired from performing, but Dan carried on and fronted a band that played at restaurants and resorts along the Connecticut shoreline, various jazz festivals, nursing homes, schools, and of course Bill's Seafood Restaurant on Sunday evenings. Whenever anyone asked why he was still performing, Mr. Vece would always say that his doctor told him that music was the best medicine and he should keep on playing as long as possible.

Well, Dan Vece followed his doctor's orders, and as a result he brought happiness into the lives of countless individuals. Dan Vece, Sr.'s good humor, devotion to his community and remarkable vitality made him a beloved figure in Clinton and throughout Connecticut. He was loved and revered by all, and he will be dearly missed.●

VETERANS' BENEFITS ACT OF 1997

● Mr. ROCKEFELLER. Mr. President, as the Ranking Minority Member of the Committee on Veterans' Affairs, I am enormously pleased that the Senate is considering S. 714, as amended, a bill that would make valuable changes to a number of veterans benefits and services. In the waning days of this session, the House and Senate Veterans' Affairs Committees were able to reach compromise on a wide range of programs and services for veterans—from programs to assist homeless veterans, to providing home loans to Native American veterans, and I urge my colleagues to give their unanimous support to this measure. It is particularly fitting that we make these improvements for veterans programs now, as Veterans Day is just a few days away.

Mr. President, because all the provisions of this measure—which I will refer to as the ''compromise agreement''—are set forth in the joint explanatory statement which Senator SPECTER will place in the RECORD, I will discuss here only some of the issues which are of particular interest to me. The explanatory statement was developed in cooperation with the House Committee on Veterans' Affairs and that Committee's Chairman, BOB STUMP, will insert the same explanatory statement in the RECORD when the House considers this measure.

EXTENDING AND IMPROVING THE NATIVE AMERICAN HOUSING LOAN PILOT PROGRAM

Mr. President, section 201 of the compromise agreement will extend for four years the authority for the Native American Housing Loan Pilot Program, under section 3761, title 38, United States Code. This pilot program was created in 1993 to provide loans to eligible Native American veterans to purchase, build, or improve dwellings on Native American trust lands. This program is so important because commercial lenders will not finance the purchase of homes on Native American lands, as lenders cannot foreclose in the event of default. Therefore, the traditional VA loan guaranty program is not, in effect, available to Native American veterans residing on tribal lands.

This program has been very successful in financing purchases of homes by Pacific Islanders. However, it has been somewhat underutilized by other Native American populations. Therefore, this bill would also provide for enhanced outreach by VA to inform Native American veterans of the availability of this program. It further tasks VA with analyzing what is working and what could be improved in its administration of the program.

I would like to commend Senators AKAKA and CAMPBELL for their tireless advocacy on behalf of Native American veterans.

REINVENTING VA'S EEO SYSTEM

Title I of the compromise agreement will establish a new employment discrimination complaint system of the VA. This provision ensures that the employees who perform equal employment and opportunity (EEO) counseling and investigations are professional and independent by creating a new office to adjudicate complaints, separate from line management.

The Committee has had grave concerns about how VA has handled several high profile EEO complaints filed against senior staff members. Therefore, this bill also provides for VA to submit a separate report regarding complaints filed against senior level employees, based on their personal conduct. I believe it is critical that VA's actions be subject to Congressional scrutiny, in order to assure accountability.

I want to thank Senator GRAHAM for his leadership on this important issue.

SPINA BIFIDA ELIGIBILITY CLARIFIED

Mr. President, section 404 of the compromise agreement will clarify the eligibility—for compensation, health care, and educational assistance—of the children with spina bifida born to Vietnam veterans exposed to Agent Orange. Currently, the eligibility of the child is determined by looking to the veteran father. However, under title 38 of the United States Code, a former service member who received a dishonorable discharge is generally not considered a veteran, and is therefore not eligible for veterans benefits from the VA.

It was Congress' intention to provide benefits to all Vietnam veterans' children with spina bifida. Congress did not mean to exclude the children of veterans with dishonorable discharges.

This provision will clarify the eligibility criteria to include the child with spina bifida of a Vietnam veteran regardless of the character of his discharge. This is a minor modification in the law, but to the children who suffer from spina bifida, these benefits can make a significant difference in their lives. These benefits can improve their quality of health care, provide educational opportunities, and enhance their quality of life. It would be great injustice if these children were denied these benefits because of their father's discharge status.

MAMMOGRAPHY POLICY

Section 208 of the compromise agreement seeks to address a discrepancy between VA's stated principles and their clinical practice with respect to breast cancer programs. Though a guiding principle of the Veterans Health Administration states that ''the quality of care in VHA must be demonstratively equal to, or better than, what is available in the local community,'' in my view, VHA's breast cancer detection policy fails to achieve community standards because it only targets women between the ages of 50 to 69.

Mr. President, it is very important that veterans have access to preventive diagnostic tests to protect their health. Because breast cancer is the leading cause of cancer in women, I look forward to receiving VA's national policy on breast cancer detection.

I thank Senator SPECTER for his leadership on this issue.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Mr. President, I am pleased that the authority for the Health Professional Scholarship Program has been extended for one year. Aspiring health professionals have a strong interest in the scholarship program, and it has proven to be an effective recruitment tool for the VA in the past. Staffing analyses done within the VA have identified a need to increase the levels of nurse practitioners and physician assistants to adjust to the shift from inpatient to outpatient care, and this program is well suited to assist individuals in these career paths. We will continue to evaluate this program and look for other opportunities that will increase both recruitment and retention of health professionals in the VA.

MAJOR MEDICAL FACILITY PROJECTS CONSTRUCTION AUTHORIZATION

Of the projects authorized under Title III of this bill, I am especially pleased that we have included the authorizations for projects in Northern California. I have been concerned that veterans in Northern California have not been receiving convenient VA health care services ever since the Martinez VA Medical Center was closed in 1991.

The conference agreement authorizes VA to move ahead with plans to create an accessible network of VA health care by specifically authorizing funds for upgrades and enhancements to McClellan Hospital at Mather Field in

Sacramento and improvements to the outpatient clinics at Mare Island in Vallejo and at Martinez. Once the McClellan Hospital is completed, VA expects capacity for 55 inpatient beds and 110,000 outpatient visits per year, and the projected workload for the outpatient clinics will exceed 140,000 outpatient visits per year.

CONCLUSION

Mr. President, in closing, I acknowledge the work of my colleagues in the House—Chairman BOB STUMP and ranking Minority Member Lane Evans—and our Committee's Chairman, Senator SPECTER, in developing this comprehensive legislation.

Mr President, I thank the staff who have worked extremely long and hard on this compromise—Mike Durishin, Jill Cochran, Mary Ellen McCarthy, Adam Sachs, Susan Edgerton, Carl Commenator, Pat Ryan, Mike Brinck, Ralph Ibson, Kingston Smith, Sloan Rappoport, and others on the House Committee, and Jim Gottlieb, Kim Lipsky, Mary Schoelen, Charlie Battaglia, Bill Tuerk, and John Bradley, with the Senate Committee. I also thank Bob Cover And Charlie Armstrong of the House and Senate Offices of Legislative Counsel for their excellent assistance and support in drafting this compromise agreement.●

TRIBUTE TO BERNARD G. SEGAL

Mr. DODD. Mr. President, I rise today to pay tribute to one of the greatest lawyers in recent American history—Bernard G. Segal, who died earlier this year. Bernard Segal, who served as the president of the American Bar Association in 1969–70, was known as the conscience of the bar, and some of his colleagues said that he promoted individual rights and the rule of law more than any other lawyer of our time.

Bernard Segal's legal accomplishments began at an early age, as he was named directly out of Penn Law School to serve as deputy attorney general of Pennsylvania. At age 24, he was the youngest person to ever hold this post, but he still proceeded to write many important pieces of legislation, including the State's banking code. He left this position to be a founding partner of the Philadelphia law firm of Schnader, Harrison, Segal & Lewis. As a member of the firm, he was very successful, representing many blue-chip clients such as Bell Telephone, NBC, and United Parcel, and during his career he argued nearly 50 cases before the U.S. Supreme Court. As a result of his legal prowess, Mr. Segal was tapped to serve as the chancellor of the Philadelphia Bar and president of the American Bar Association, becoming the first Jewish man to serve in either post.

Mr. Segal continually dedicated himself to legal causes, and one of his most successful crusades was his mission to improve the selection process for federal judges. As chairman of the ABA's standing committee on the Federal Judiciary, Mr. Segal helped to persuade President Eisenhower to establish the practice of submitting prospective Federal judicial appointments to the ABA for review. In order to convince the President of the need for this procedure, Mr. Segal asked the former general this simple question: ''Would you appoint a general without asking the colonels what they thought of him.''

Bernard Segal's legal career was truly exemplary, but what made this man so extraordinary was his commitment to helping the less fortunate members of our society. Mr. Segal described the hallmark of the law firm that he helped found as its ''dedication to the higher calling,'' that is ''the lawyer's obligation to assume an active role in the pursuit of a just and ordered society, in helping to solve the emerging problems of social, economic and political importance * * * to serve the public as his or her client, as she or he would serve a full-paying client.''

Mr. Segal's commitment to preserving equal justice under the law for all Americans particularly shone during the civil rights movement. In the 1960's, many people in the country viewed civil rights as a Southern problem, one over which they had little influence or control. Fortunately, Bernard Segal did not share this view.

In 1963, when Alabama Governor George Wallace announced that he would disregard the Federal court order that prohibited interference with the admission of African-American students at the University of Alabama, Bernard Segal saw the need for the Nation's legal community to speak out publicly against the Governor's actions. He quickly got 46 prominent lawyers, including three former U.S. Attorneys General, to sign a public letter condemning the Governor's defiance of the law.

Shortly afterward, President Kennedy announced that he was creating a group known as the Lawyers' Committee for Civil Rights Under Law, and the President named Bernard Segal as one of the organization's two co-chairmen. This committee of 246 private lawyers helped build support for the Civil Rights Act of 1964, and its call for peaceful compliance with court orders had a persuasive impact on future integration efforts in the South.

In the wake of the civil rights movement, Bernard Segal remained socially active. President Johnson chose him to head the National Legal Service Program, which established legal services for the poor. And much like he did at his own law firm, Mr. Segal worked diligently to enlist lawyers to provide legal assistance for the indigent.

Bernard Segal's efforts did not go unrecognized. Among his many honors were the American Bar Association's Gold Medal, the National Civil Rights Award by the U.S. Attorney General, the National Human Relations Award by the National Conference of Christians and Jews, the Judge William H. Hastie Award by the NAACP Legal Defense Fund, and the World Peace Through Law Award as the ''World's Greatest Lawyer.''

Bernard Segal represented the highest standards and ideals of the legal profession, and all those who were fortunate enough to know this great man will miss him dearly. He is survived by his wife, Geraldine, his daughter Loretta, his son Richard, three grandchildren, one great-grandchild, his brother, and his sister. I offer my heartfelt condolences to them all.

REAUTHORIZING THE FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING AND DEVELOPMENT ACCOUNT

● Mr. GORTON. Mr. President, I want to thank my colleagues for working with me over the past few weeks, and in particular the past few days, to enact legislation to reauthorize the Federal Aviation Administration (FAA) Research, Engineering, and Development (R,E&D) account for fiscal years 1998 and 1999.

Senators MCCAIN, HOLLINGS, and FORD joined me in introducing this important legislation. The Commerce Committee recently took up the House bill and reported it out with an amendment in the nature of a substitute. The leadership of the Senate Commerce Committee and the House Science Committee have already met to resolve the differences between the House and Senate versions of the bill. I am pleased to report that the floor amendment to H.R. 1271 reflects the agreement that the conferees have reached on a final package. The House should be able to accept and approve H.R. 1271, as amended, before this session ends.

The FAA R,E&D account finances projects to improve the safety, security, capacity and efficiency of the U.S. aviation system. These significant research and development efforts include the development of new fire-resistant insulation materials for use on aircraft, the development of procedures for enhancing terminal area capacity and safety, the improvement of aircraft collision avoidance technology, and a host of other noteworthy projects.

This bill also fosters the strong public-private partnership that has been established in the aviation research and development area. The FAA, for instance, is working with Boeing to develop a world-class airport pavement testing facility. Boeing is providing one-third of the costs of this project, which total $21 million. This project will help ensure that the U.S. keeps pace with the rest of the world in developing the infrastructure to accommodate the new super jumbo aircraft.

Again, I commend my colleagues' commitment, and their assistance with this effort.●

TRIBUTE TO GEN. JOHN SHALIKASHVILI

● Mr. DODD. Mr. President. I rise today to pay tribute to Gen. John Shalikashvili. His life's story is one of the greatest in our Nation's history. General Shali, as he is affectionately known, came to this country when he was 16, and after graduating from college, he was drafted into the U.S. military. During his 39 years of public service, he rose from the ranks of Army private to the highest military office in the land. He is an embodiment of the principles for which this Nation stands, and I would like to pay tribute to him on the occasion of his retirement earlier this year as the Chairman of the Joint Chiefs of Staff.

Anyone he worked with will tell you that he did a tremendous job as Chairman. During these times of military downsizing, he has been responsible for shaping a military that is smaller, but better. In order to do so, he had to ensure that our troops were better prepared and better equipped than any other force in the world. He succeeded mightily.

During his tenure as Chairman, U.S. troops were tested in more than 40 operations. In places like Bosnia, Haiti, and Iraq our troops performed superbly in their efforts to defend democracy and further the cause of peace.

General Shalikashvili's courage and bravery were unquestioned, as evidenced by the Bronze Star he earned for his combat service in the Vietnam war. But what made General Shali such an effective leader was his compassion, and his ability to understand the human element of military operations.

He was the head of the 1991 operation to provide relief to the Iraqi Kurds who had been exiled from their homes by Saddam Hussein. Thousands of men, women, and children were dying in the mountains of northern Iraq and eastern Turkey, and he helped many of these families return to their homes, personally providing comfort to these individuals who were sick and suffering.

America's troops could look at General Shali and see a man who understood their needs, because he had stood in their shoes. He worked his way through the ranks, but never forgot his own past.

General Shalikashvili spent his 39-year career fighting to protect freedom, and I think that the greatest tribute and reward for his service came this past July in the city of Warsaw. At that time, General Shali watched on as President Clinton invited Poland to become a member of NATO. Who would have ever imagined that the young Polish child, who was 3-years-old when Hitler's tanks rolled in from the East, would 1 day return to Poland as the highest-ranking officer of the U.S. military and stand before thousands of cheering Poles as his native country was welcomed back into the family of free nations?

General Shalikashvili is truly an inspiration to us all, and our Nation is richer and stronger as a result of his contributions. I want to personally thank him for his service, and I wish him and his wife, Joan, all the best as they enjoy retirement together.●

DEPLORING THE FAILURE TO FUND A PUGET SOUND CRAB LICENSE BUYBACK

● Mr. GORTON. Mr. President, despite the efforts in conference of Senator GREGG and his staff, the Conference report provides no funding for a Puget Sound crab license buyback. I deplore this omission, which reportedly resulted from the House conferees' resistance to providing Federal funding for buyouts in State fisheries. Mr. President, even if Federal funding of buyouts in State fisheries was not specifically authorized, as it is, in section 312 of the Sustainable Fisheries Act of 1996, I firmly believe that the Federal Government has a particular responsibility to the nontribal commercial Dungeness crabbers in Puget Sound who have lost 50 percent of their stock as a result of a Federal court interpretation of a Federal treaty.

This is not an instance in which the hardship the buyout would have alleviated resulted from past actions or inactions on the part of commercial fishers. Overfishing and poor management are not to blame. Rather, this hardship was judicially imposed. In 1995, a Federal district court determined that Indian tribes were entitled by Federal treaty to take up to 50 percent of the harvestable shellfish. The small, 250 vessel non-tribal commercial Puget Sound crab fishery that had existed for generations, was suddenly overwhelmed. I understand that because of the Federal court order, there are now about 450 additional tribal crab fishers.

Mr. President, the majority of the nontribal commercial crabbers in Puget Sound are self-employed. The vessels they own may account for a large portion of their assets. As the Governor of Washington State, Gary Locke, has stated, ''The federal court action leaves them in a difficult financial position with vessels, equipment and related debt tied to an occupation that is no longer viable at its current licensed capacity.'' Again, I deeply regret the House conferees' failure to assume Federal responsibility for the consequence of a Federal action.●

SUBMITTING CHANGES TO THE BUDGET RESOLUTION AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

● Mr. DOMENICI. Mr. President, section 314(b)(2) of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect additional new budget authority and outlays for an appropriation for arrearages for international organizations, international peacekeeping, and multilateral development banks.

I hereby submit revisions to the budget authority, outlays, and deficit aggregates for fiscal year 1998 contained in section 101 of House Concurrent Resolution 84.

The material follows:

	Deficit	Budget authority	Outlays
Current aggregates	173,505,000,000	1,390,958,000,000	1,372,505,000,000
Adjustments	7,000,000	140,000,000	7,000,000
Revised aggregates	173,512,000,000	1,391,098,000,000	1,372,512,000,000

I hereby submit revisions to the 1998 Senate Appropriations Committee budget authority and outlay allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
Current allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	256,081,000,000	283,286,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	807,893,000,000	832,426,000,000
Adjustments:		
Defense discretionary		
Nondefense discretionary	140,000,000	7,000,000
Violent crime reduction fund		
Mandatory		
Total allocation	140,000,000	7,000,000
Revised allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	256,221,000,000	283,293,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	808,033,000,000	832,433,000,000

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EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 337, No. 373, No. 374, No. 443, No. 448, No. 449, No. 450, No. 458, No. 459 and No. 460.

I further ask unanimous consent that the Labor Committee be discharged from further consideration of William Ferris and the Senate proceed to the nomination. I also ask consent that the Governmental Affairs Committee be discharged from further consideration of Janice Lachance, and the Senate proceed to the nomination as well.

I finally ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the

RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Robert H. Beatty, Jr., of West Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for the remainder of the term expiring August 30, 1998.

EXECUTIVE OFFICE OF THE PRESIDENT

Arthur Bienenstock, of California, to be an Associate Director of the Office of Science and Technology Policy.

DEPARTMENT OF COMMERCE

Raymond G. Kammer, of Maryland, to be Director of the National Institute of Standards and Technology.

DEPARTMENT OF THE INTERIOR

Kevin Gover, of New Mexico, to be an Assistant Secretary of the Interior.

UNITED STATES POSTAL SERVICE

Ernesta Ballard, of Alaska, to be a Governor of the United States Postal Service for a term expiring December 8, 2005.

FEDERAL LABOR RELATIONS AUTHORITY

Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority for a term expiring July 29, 2002.

MERIT SYSTEMS PROTECTION BOARD

Susanne T. Marshall, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2004.

Frank C. Damrell, Jr., of California, to be United States District Judge for the Eastern District of California.

Martin J. Jenkins, of California, to be United States District Judge for the Northern District of California.

A. Richard Caputo, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

William R. Ferris, of Mississippi, to be Chairperson of the National Endowment for the Humanities for a term of four years.

OFFICE OF PERSONNEL MANAGEMENT

Janice R. Lachance, of Maine, to be Director of the Office of Personnel Management for a term of four years.

NOMINATION OF KEVIN GOVER

Mr. DASCHLE. Mr. President, as we work through the Executive Calendar in the closing hours of the first session of the 105th Congress, I want to call my colleagues' attention to the President's nominee to be Assistant Secretary of the Interior for Indian Affairs, Kevin Gover of Albuquerque, New Mexico.

This appointment is important to my state and my constituents. Approximately 70,000 Native Americans live on nine reservations in South Dakota. Their daily lives are greatly affected by the activities of the BIA.

The appointment is also important to the nation as a whole. Anyone familiar with American history or who believes in the American dream of equal opportunity for all has a stake in federal Indian policy.

The Assistant Secretary of the Interior for Indian Affairs play a critical role in setting the agenda for the Bureau of Indian Affairs and has a great impact on the success or failure of federal Indian policy. He or she must understand the history of federal/Indian relations and have a vision for the future of this relationship. The Assistant Secretary for Indian Affairs must not only be accessible to tribal leaders, but also serve as an effective advocate for Indian people within the Executive branch decision-making circles. Finally, the Assistant Secretary must be a manager of the agency as well as a spokesperson for Administration policy.

Kevin Gover is a strong nominee to lead the Bureau of Indian Affairs. He is an enrolled member of the Pawnee Tribe of Oklahoma and is a partner in the law firm Gover, Williams and Janov in Albuquerque, New Mexico. He received his JD from the University of New Mexico and has specialized in federal Indian law, natural resource law, environmental law and housing law.

Kevin Gover has not only the intellectual capability and legal skill, but also the practical experience needed to be effective as Assistant Secretary of the Interior for Indian Affairs. He has worked in Indian Country long enough to see the successes and failures of the Bureau of Indian Affairs, and he has the perspective to help chart its course to the future.

Those of us in this chamber who represent significant Indian constituencies can all attest to the magnitude, complexity and significance of the challenges facing the Bureau of Indian Affairs. Tribal leaders in South Dakota have discussed with me their concerns about broad and important issues such as economic development, education, housing and health care. The BIA must be prepared to play a fair and constructive role in addressing these and other concerns about the quality of life on our reservations. I expect we all want the next Assistant Secretary of the Interior for Indian Affairs to possess the intellect, vision, leadership skills and wisdom to make this organization more effective and responsive to the ever-changing needs of those it serves. I believe Kevin Gover possesses these qualities.

There has been some concern expressed about the role Mr. Gover played as a private attorney in gaming activities in New Mexico. Senator CAMPBELL, Chairman of the Senate Indian Affairs Committee, and Senator INOUYE, Vice Chair of the Committee, have both had an opportunity to review the FBI background report on Mr. Gover. They reported in the Committee hearing that they found nothing that should disqualify Mr. Gover from serving as Assistant Secretary. This review obviously included his activities as counsel to tribes with gaming operations in New Mexico. Moreover, in his confirmation hearings, Mr. Gover made clear that while he makes no apology for his support of Indian gaming, as Assistant Secretary he will not tolerate illegal gaming.

Kevin Gover has strong support throughout Indian Country. He enjoys this support because tribes realize that the Bureau of Indian Affairs needs a leader like Kevin Gover to move the BIA into the 21st century. I support this nomination and encourage my colleagues to do likewise.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

HOMEOWNERS PROTECTION ACT OF 1997

Mr. SESSIONS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 243, S. 318.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 318) to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Homeowners Protection Act of 1997''.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) CANCELLATION DATE.—The term ''cancellation date'' means (at the option of the mortgagor) the date on which the principal balance of a residential mortgage—

(A) based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 80 percent of the original value of the property securing the loan; or

(B) based on actual payments, reaches 80 percent of the original value of the property securing the loan.

(2) GOOD PAYMENT HISTORY.—The term ''good payment history'' means, with respect to a mortgagor, that the mortgagor has not—

(A) made a mortgage payment that was 60 days or longer past due during the 12-month period beginning 24 months before the date on which the mortgage reaches the cancellation date; or

(B) made a mortgage payment that was 30 days or longer past due during the 12-month period preceding the date on which the mortgage reaches the cancellation date.

(3) INITIAL AMORTIZATION SCHEDULE.—With respect to—

(A) a residential mortgage for which the interest rate is not subject to change, the term ''initial amortization schedule'' means a schedule established at the time at which a residential mortgage transaction is consummated, showing—

(i) the amount of principal and interest that is due at regular intervals to retire the principal

balance and accrued interest over the amortization period of the loan; and

(ii) the unpaid principal balance of the loan after each scheduled payment is made; and

(B) a residential mortgage for which the interest rate is subject to change, the ''initial amortization schedule'' shall be based upon the interest rate or rates applicable to the residential mortgage on the date on which the transaction is consummated.

(4) MORTGAGE INSURANCE.—The term ''mortgage insurance'' means insurance, including any mortgage guaranty insurance, against the nonpayment of, or default on, an individual mortgage or loan involved in a residential mortgage transaction.

(5) MORTGAGE INSURER.—The term ''mortgage insurer'' means a provider of private mortgage insurance, as described in this Act, that is authorized to transact such business in the State in which the provider is transacting such business.

(6) MORTGAGEE.—The term ''mortgagee'' means the holder of a residential mortgage at the time at which that mortgage transaction is consummated.

(7) MORTGAGOR.—The term ''mortgagor'' means the original borrower under a residential mortgage or his or her successors or assignees.

(8) ORIGINAL VALUE.—The term ''original value'', with respect to a residential mortgage, means the lesser of the sales price of the property securing the mortgage, as reflected in the contract, or the appraised value at the time at which the subject residential mortgage transaction was consummated.

(9) PRIVATE MORTGAGE INSURANCE.—The term ''private mortgage insurance'' means mortgage insurance other than mortgage insurance made available under the National Housing Act, title 38 of the United States Code, or title V of the Housing Act of 1949.

(10) RESIDENTIAL MORTGAGE.—The term ''residential mortgage'' means a mortgage, loan, or other evidence of a security interest created with respect to a single-family dwelling that is the primary residence of the mortgagor.

(11) RESIDENTIAL MORTGAGE TRANSACTION.—The term ''residential mortgage transaction'' means a transaction consummated on or after the date that is 1 year after the date of enactment of this Act, in which a mortgage, deed of trust, purchase money security interest arising under an installment sales contract, or equivalent consensual security interest is created or retained against a single-family dwelling that is the primary residence of the mortgagor to finance the acquisition, initial construction, or refinancing of that dwelling.

(12) SERVICER.—The term ''servicer'' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974, with respect to a residential mortgage.

(13) SINGLE-FAMILY DWELLING.—The term ''single-family dwelling'' means a residence consisting of 1 family dwelling unit.

(14) TERMINATION DATE.—The term ''termination date'' means the date on which the principal balance of a residential mortgage, based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 78 percent of the original value of the property securing the loan.

SEC. 3. TERMINATION OF PRIVATE MORTGAGE INSURANCE.

(a) BORROWER CANCELLATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall be canceled on the cancellation date, if the mortgagor—

(1) submits a request in writing to the servicer that cancellation be initiated;

(2) has a good payment history with respect to the residential mortgage; and

(3) has satisfied any requirement of the holder of the mortgage (as of the date of a request under paragraph (1)) for—

(A) evidence (of a type established in advance by the holder and made known to the mortgagor promptly upon receipt of a request under paragraph (1)) that the value of the property securing the mortgage has not declined below the original value of the property; and

(B) certification that the equity of the mortgagor in the residence securing the mortgage is unencumbered by a subordinate lien.

(b) AUTOMATIC TERMINATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall terminate with respect to payments for that mortgage insurance made by the mortgagor—

(1) on the termination date if, on that date, the mortgagor is current on the payments required by the terms of the residential mortgage transaction; or

(2) on the date after the termination date on which the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.

(c) FINAL TERMINATION.—If a requirement for private mortgage insurance is not otherwise canceled or terminated in accordance with subsection (a) or (b), in no case may such a requirement be imposed beyond the first day of the month immediately following the date that is the midpoint of the amortization period of the loan if the mortgagor is current on the payments required by the terms of the mortgage.

(d) NO FURTHER PAYMENTS.—No payments or premiums may be required from the mortgagor in connection with a private mortgage insurance requirement terminated or canceled under this section—

(1) in the case of cancellation under subsection (a), more than 30 days after the later of—

(A) the date on which a request under subsection (a)(1) is received; or

(B) the date on which the mortgagor satisfies any evidence and certification requirements under subsection (a)(3);

(2) in the case of termination under subsection (b), more than 30 days after the termination date or the date referred to in subsection (b)(2), as applicable; and

(3) in the case of termination under subsection (c), more than 30 days after the final termination date established under that subsection.

(e) RETURN OF UNEARNED PREMIUMS.—

(1) IN GENERAL.—Not later than 45 days after the termination or cancellation of a private mortgage insurance requirement under this section, all unearned premiums for private mortgage insurance shall be returned to the mortgagor by the servicer.

(2) TRANSFER OF FUNDS TO SERVICER.—Not later than 30 days after notification by the servicer of termination or cancellation of private mortgage insurance under this Act with respect to a mortgagor, a mortgage insurer that is in possession of any unearned premiums of that mortgagor shall transfer to the servicer of the subject mortgage an amount equal to the amount of the unearned premiums for repayment in accordance with paragraph (1).

(f) EXCEPTIONS FOR HOUSING OPPORTUNITY PROGRAMS AND HIGH RISK LOANS.—

(1) IN GENERAL.—The termination and cancellation provisions in subsections (a) and (b) do not apply to any residential mortgage or mortgage transaction that, at the time at which the residential mortgage transaction is consummated, has high risks associated with the extension of the loan—

(A) as determined by guidelines published by the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation, so as to require the imposition or continuation of a private mortgage insurance requirement beyond the terms specified in subsection (a) or (b) of section 3; or

(B) as determined by the mortgagee in accordance with guidelines that are identical to the guidelines published under subparagraph (A).

(2) TERMINATION AT MIDPOINT.—A private mortgage insurance requirement in connection with a residential mortgage or mortgage transaction described in paragraph (1) shall terminate in accordance with subsection (c).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require a mortgage or mortgage transaction described in paragraph (1)(A) to be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

SEC. 4. DISCLOSURE REQUIREMENTS.

(a) DISCLOSURES FOR NEW MORTGAGES AT TIME OF TRANSACTION.—

(1) DISCLOSURES FOR NON-EXEMPTED TRANSACTIONS.—In any case in which private mortgage insurance is required in connection with a residential mortgage or mortgage transaction (other than a mortgage or mortgage transaction described in section 3(f)(1)), at the time at which the transaction is consummated, the mortgagee shall provide to the mortgagor—

(A) a written initial amortization schedule; and

(B) written notice—

(i) that the mortgagor may cancel the requirement in accordance with section 3(a) of this Act indicating the date on which the mortgagor may request cancellation, based solely on the initial amortization schedule;

(ii) that the mortgagor may request cancellation in accordance with section 3(a) of this Act earlier than provided for in the initial amortization schedule, based on actual payments;

(iii) that the requirement for private mortgage insurance will automatically terminate on the termination date in accordance with section 3(b) of this Act, and what that termination date is with respect to that mortgage; and

(iv) that there are exemptions to the right to cancellation and automatic termination of a requirement for private mortgage insurance in accordance with section 3(f) of this Act, and whether such an exemption applies at that time to that transaction.

(2) DISCLOSURES FOR EXCEPTED TRANSACTIONS.—In the case of a mortgage or mortgage transaction described in section 3(f)(1), at the time at which the transaction is consummated, the mortgagee shall provide written notice to the mortgagor that in no case may private mortgage insurance be required beyond the date that is the midpoint of the amortization period of the loan, if the mortgagor is current on payments required by the terms of the residential mortgage.

(3) ANNUAL DISCLOSURES.—If private mortgage insurance is required in connection with a residential mortgage transaction, the servicer shall disclose to the mortgagor in each such transaction in an annual written statement—

(A) the rights of the mortgagor under this Act to cancellation or termination of the private mortgage insurance requirement; and

(B) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(4) APPLICABILITY.—Paragraphs (1) through (3) shall apply with respect to each residential mortgage transaction consummated on or after the date that is 1 year after the date of enactment of this Act.

(b) DISCLOSURES FOR EXISTING MORTGAGES.—If private mortgage insurance was required in connection with a residential mortgage entered into at any time before the effective date of this Act, the servicer shall disclose to the mortgagor in each such transaction in an annual written statement—

(1) that the private mortgage insurance may, under certain circumstances, be canceled by the mortgagor (with the consent of the mortgagee or in accordance with applicable State law); and

(2) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(c) INCLUSION IN OTHER ANNUAL NOTICES.—The information and disclosures required under

subsection (b) and paragraphs (1)(B) and (3) of subsection (a) may be provided on the annual disclosure relating to the escrow account made as required under the Real Estate Settlement Procedures Act of 1974, or as part of the annual disclosure of interest payments made pursuant to Internal Revenue Service regulations, and on a form promulgated by the Internal Revenue Service for that purpose.

(d) STANDARDIZED FORMS.—The mortgagee or servicer may use standardized forms for the provision of disclosures required under this section.

SEC. 5. NOTIFICATION UPON CANCELLATION OR TERMINATION.

(a) IN GENERAL.—Not later than 30 days after the date of cancellation or termination of a private mortgage insurance requirement in accordance with this Act, the servicer shall notify the mortgagor in writing—

(1) that the private mortgage insurance has terminated and that the mortgagor no longer has private mortgage insurance; and

(2) that no further premiums, payments, or other fees shall be due or payable by the mortgagor in connection with the private mortgage insurance.

(b) NOTICE OF GROUNDS.—

(1) IN GENERAL.—If a holder of a residential mortgage (or a servicer acting on behalf of that holder) determines that a mortgage did not meet the requirements for termination or cancellation of private mortgage insurance under subsection (a) or (b) of section 3, the servicer shall provide written notice to the mortgagor of the grounds relied on to make the determination (including the results of any appraisal used to make the determination).

(2) TIMING.—Notice required by paragraph (1) shall be provided—

(A) with respect to cancellation of private mortgage insurance under section 3(a), not later than 30 days after the later of—

(i) the date on which a request is received under section 3(a)(1); or

(ii) the date on which the mortgagor satisfies any evidence and certification requirements under section 3(a)(3); and

(B) with respect to termination of private mortgage insurance under section 3(b), not later than 30 days after the scheduled termination date.

SEC. 6. DISCLOSURE REQUIREMENTS FOR LENDER PAID MORTGAGE INSURANCE.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''borrower paid mortgage insurance'' means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by the borrower; and

(2) the term ''lender paid mortgage insurance'' means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by a person other than the borrower.

(b) EXCLUSION.—Sections 3 through 5 do not apply in the case of lender paid mortgage insurance.

(c) NOTICES TO MORTGAGOR.—In the case of lender paid mortgage insurance that is required in connection with a residential mortgage or a residential mortgage transaction—

(1) not later than the date on which a loan commitment is made for the residential mortgage transaction, the prospective mortgagee shall provide to the prospective mortgagor a written notice—

(A) that lender paid mortgage insurance differs from borrower paid mortgage insurance, in that lender paid mortgage insurance may not be canceled by the mortgagor, while borrower paid mortgage insurance could be cancelable by the mortgagor in accordance with section 3(a) of this Act, and could automatically terminate on the termination date in accordance with section 3(b) of this Act;

(B) that lender paid mortgage insurance—

(i) usually results in a residential mortgage having a higher interest rate than it would in the case of borrower paid mortgage insurance; and

(ii) terminates only when the residential mortgage is refinanced, paid off, or otherwise terminated; and

(C) that lender paid mortgage insurance and borrower paid mortgage insurance both have benefits and disadvantages, including a generic analysis of the differing costs and benefits of a residential mortgage in the case lender paid mortgage insurance versus borrower paid mortgage insurance over a 10-year period, assuming prevailing interest and inflation rates;

(D) that lender paid mortgage insurance may be tax-deductible for purposes of Federal income taxes, if the mortgagor itemizes expenses for that purpose; and

(2) not later than 30 days after the termination date that would apply in the case of borrower paid mortgage insurance, the servicer shall provide to the mortgagor a written notice indicating that the mortgagor may wish to review financing options that could eliminate the requirement for private mortgage insurance in connection with the residential mortgage.

(d) STANDARD FORMS.—The servicer of a residential mortgage may develop and use a standardized form or forms for the provision of notices to the mortgagor, as required under subsection (c).

SEC. 7. FEES FOR DISCLOSURES.

No fee or other cost may be imposed on any mortgagor with respect to the provision of any notice or information to the mortgagor pursuant to this Act.

SEC. 8. CIVIL LIABILITY.

(a) IN GENERAL.—Any servicer, mortgagee, mortgage insurer, or holder of a residential mortgage that violates a provision of this Act shall be liable to each mortgagor to whom the violation relates for—

(1) actual damages;

(2) in the case of an action by an individual, such additional damage as the court may allow, not to exceed $1,000;

(3) costs of the action; and

(4) reasonable attorney fees, as determined by the court.

(b) TIMING OF ACTIONS.—No action may be brought by a mortgagor under subsection (a) later than 2 years after the date of the discovery of the violation that is the subject of the action.

(c) LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—With respect to a residential mortgage transaction, the failure of a servicer to comply with the requirements of this Act due to the failure of a mortgage insurer, a mortgagee, or a holder of a residential mortgage to comply with the requirements of this Act, shall not be construed to be a violation of this Act by the servicer.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to impose any additional requirement or liability on a mortgagee or mortgage insurer or holder of a residential mortgage.

SEC. 9. EFFECT ON OTHER LAWS AND AGREEMENTS.

(a) EFFECT ON STATE LAW.—

(1) IN GENERAL.—With respect to any residential mortgage or residential mortgage transaction consummated after the effective date of this Act, and except as provided in paragraph (2), the provisions of this Act shall supersede any provisions of the law of any State relating to requirements for obtaining or maintaining private mortgage insurance in connection with residential mortgage transactions, cancellation or automatic termination of such private mortgage insurance, any disclosure of information addressed by this Act, and any other matter specifically addressed by this Act.

(2) CONTINUED APPLICATION OF CERTAIN PROVISIONS.—This Act does not supersede any provision of the law of a State in effect on or before September 1, 1989, pertaining to the termination of private mortgage insurance or other mortgage guaranty insurance, to the extent that such law requires termination of such insurance at an earlier date or when a lower mortgage loan principal balance is achieved than as provided in this Act.

(b) EFFECT ON OTHER AGREEMENTS.—The provisions of this Act shall supersede any conflicting provision contained in any agreement relating to the servicing of a residential mortgage loan entered into by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or any private investor or note holder (or any successors thereto).

SEC. 10. CONSTRUCTION.

Nothing in this Act shall be construed to impose any requirement for private mortgage insurance in connection with a residential mortgage transaction.

SEC. 11. EFFECTIVE DATE.

This Act, other than section 12, shall become effective 1 year after the date of enactment of this Act.

SEC. 12. ABOLISHMENT OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) IN GENERAL.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the Thrift Depositor Protection Oversight Board established under section 21A of the Federal Home Loan Bank Act (hereafter in this section referred to as the ''Oversight Board'') is hereby abolished.

(b) DISPOSITION OF AFFAIRS.—

(1) POWER OF CHAIRPERSON.—Effective on the date of enactment of this Act, the Chairperson of the Oversight Board (or the designee of the Chairperson) may exercise on behalf of the Oversight Board any power of the Oversight Board necessary to settle and conclude the affairs of the Oversight Board.

(2) AVAILABILITY OF FUNDS.—Funds available to the Oversight Board shall be available to the Chairperson of the Oversight Board to pay expenses incurred in carrying out paragraph (1).

(c) SAVINGS PROVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—No provision of this section shall be construed as affecting the validity of any right, duty, or obligation of the United States, the Oversight Board, the Resolution Trust Corporation, or any other person that—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Oversight Board; and

(B) existed on the day before the abolishment of the Oversight Board in accordance with subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Oversight Board with respect to any function of the Oversight Board shall abate by reason of the enactment of this section.

(3) LIABILITIES.—

(A) IN GENERAL.—All liabilities arising out of the operation of the Oversight Board during the period beginning on August 9, 1989, and the date that is 3 months after the date of enactment of this Act shall remain the direct liabilities of the United States.

(B) NO SUBSTITUTION.—The Secretary of the Treasury shall not be substituted for the Oversight Board as a party to any action or proceeding referred to in subparagraph (A).

(4) CONTINUATIONS OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS PERTAINING TO THE RESOLUTION FUNDING CORPORATION.—

(A) IN GENERAL.—All orders, resolutions, determinations, and regulations regarding the Resolution Funding Corporation shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations until modified, terminated, set aside, or superseded in accordance with applicable law if such orders, resolutions, determinations, or regulations—

(i) have been issued, made, and prescribed, or allowed to become effective by the Oversight Board, or by a court of competent jurisdiction, in the performance of functions transferred by this section; and

(ii) are in effect at the end of the 3-month period beginning on the date of enactment of this section.

(B) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS BEFORE TRANSFER.—Before the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the United States.

(C) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS AFTER TRANSFER.—On and after the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the Secretary of the Treasury.

(d) TRANSFER OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUTHORITY AND DUTIES OF RESOLUTION FUNDING CORPORATION TO SECRETARY OF THE TREASURY.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the authority and duties of the Oversight Board under sections 21A(a)(6)(I) and 21B of the Federal Home Loan Bank Act are transferred to the Secretary of the Treasury (or the designee of the Secretary).

(e) MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY BOARD.—Effective on the date of enactment of this Act, section 14(b)(2) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(f) TIME OF MEETINGS OF THE AFFORDABLE HOUSING ADVISORY BOARD.—

(1) IN GENERAL.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(A) by striking ''4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board or'' and inserting ''2 times a year or at the request of''; and

(B) by striking the second sentence.

(2) CLERICAL AMENDMENT.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended, in the subparagraph heading, by striking ''AND LOCATION''.

Amend the title so as to read: ''A Bill to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.''.

Mr. D'AMATO. Mr. President, today the Senate will consider, and I trust pass, S. 318, the Homeowners Protection Act of 1997. The Homeowners Protection Act, which I introduced earlier this year, and the Banking Committee passed by a 16-to-1 vote, is truly important legislation. This bill will protect homebuyers from excessive mortgage insurance premiums for homebuyers. It is a great product of great deal of hard work by a number of the Banking Committee's members. As a result, the legislation contains the consumer protections of the original bill; at the same time, the bill will be less of a compliance burden for the businesses that are subject to the legislation.

Mr. President, the substitute amendment that Senator SARBANES and I will offer for Senate consideration is the result of a great deal of hard work by Members on both sides of the aisle. First, I would like to begin by thanking my colleague and friend from North Carolina, Senator FAIRCLOTH, for his hard work on this issue. Senator FAIRCLOTH and his staff have worked tirelessly to help craft compromise language that encompasses real consumer protection without undue regulatory burden. I would also like to offer my thanks to ranking minority member PAUL SARBANES and the bill's cosponsors, Senator DODD and Senator BRYAN, for their continuous support. I truly appreciate their valuable input in preparing the floor amendment that we are considering today. Likewise, I would like to commend Senators GRAMS and MOSELEY-BRAUN for their successful handling of the lender paid mortgage insurance issue, and my friend from Utah, Senator BENNETT, for helping to craft compromise language regarding class action liability.

Once again, I would particularly like to thank Representative JAMES HANSEN (R–UT), who has been the leader in the House in the fight to address PMI abuses.

Mr. President, by passing this bill we can remedy a market dysfunction—unnecessary private mortgage insurance premiums. These premiums are being paid by tens of thousands of American homeowners. Private mortgage insurance is typically required when a homebuyer cannot make the standard 20-percent downpayment. For many creditworthy, cash-poor potential homebuyers, private mortgage insurance has been a blessing. Unfortunately, it can also become a curse.

I will present just one example of this unfair practice. A homebuyer purchases a $100,000 home with a 30-year, fixed rate mortgage and a 10-percent downpayment. After 10 years and $3,500 in mortgage insurance premiums, it is likely that the homeowners would have a 20-percent equity stake in his or her home. At this time, private mortgage insurance is no longer necessary. However, if that homeowner is unaware of the right to cancel—as many are—and continues to pay for unnecessary insurance, he or she could spend an additional $7,000 in premiums over the life of the loan. And this is less costly than many of the horror stories we hear. In fact, private mortgage insurance rates average between $20 and $100 per month, meaning that some consumers are unknowingly paying from $240 to $1,200 a year for absolutely no reason. Situations like these are nothing less than a fleecing of the American homeowner.

The private mortgage insurance industry extended coverage on nearly 900,000 of the approximately 4.4 million mortgages made for the purchase of single-family homes in 1995. At a Banking Committee hearing earlier this year, the spokesman for the private mortgage insurance industry stated that of the approximately 5 million homeowners repaying mortgages covered by PMI, 5 percent could be eligible for cancellation. That amounts to 250,000 hardworking families. And some estimates go much higher.

In fact, according to a recent Washington Post article by Ken Harney:

> An eye-opening new estimate of the extent of the problem came last week when a Dallas-based loan portfolio analyst said he believes that as much as one-fifth of some lenders' mortgage portfolios consist of PMI-insured loans with equities that are greater than 20 percent of current market resale value.

Mr. President, clearly, American homeowners, particularly middleclass and firsttime homeowners need our help—and I can say today that that help is on the way. The committee print enables homeowners to initiate cancellation when they have accumulated 20-percent equity. Otherwise, the general rule is that PMI must be automatically canceled at 22 percent.

The bill also requires that all existing mortgagors who currently maintain PMI will receive an annual notice informing them that under certain circumstances their insurance may be canceled. The notice must include information to allow the homeowner to contact his or her servicer regarding cancellation requirements. New homebuyers will be informed of their cancellation rights at closing, and will be informed of their right under this law at closing and annually.

Mr. President, let me state for the record: I am opposed to unnecessary and excessive government regulation. This bill accomplishes the goals of S. 318 without imposing excess regulation. Clearly, the Congress should allow the free market to resolve most problems. This bill is only needed because, due to the peculiar nature of the PMI market, the market has not remedied this problem. I am grateful for the cooperation of all the industries and consumer groups that have helped bring us to this point.

Mr. President, the Homeowner's Protection Act is evidence of what this body can accomplish with hard work on a bipartisan basis. Currently, unnecessary PMI premiums are wrong—when this bill becomes law, they will be illegal. I urge my colleagues to support this important bill and to vote for its passage.

AMENDMENT NO. 1623

(Purpose: To provide a substitute)

Mr. SESSIONS. Senator D'AMATO has a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Alabama [Mr. SESSIONS] for Mr. D'AMATO, for himself and Mr. SARBANES, proposes an amendment numbered 1623.

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

Mr. DODD. Mr. President. I rise today in strong support for passage of S. 318, the Homeowners Protection Act of 1997. This important consumer legislation would end the odious practice of forcing hundreds of thousands of homeowners to pay for private mortgage insurance long after they, or their lender, cease to derive any benefit from it.

Private mortgage insurance—or PMI as it's known—has played a very important role in expanding homeownership opportunities for people who have had less than the traditional 20 percent downpayment that many lenders required. In the event of a default, the PMI provides insurance to the lender for the difference between the downpayment and 20 percent or, in rare instances, some other predetermined percentage—equity level. This is also known as an 80 percent loan-to-value ratio.

As beneficial as PMI has been, it has also developed some less savory characteristics. Principally, the problem with PMI as it exists today is that it is virtually impossible for a homeowner to stop making the premium payments, even after the PMI no longer provides any protection. As a result, literally hundreds of thousands of homeowners pay as much as $1,200 a year in unfair and unnecessary payments.

Mr. President, this legislation would change all that in a fair and simple way. First, the bill provides simple and meaningful disclosure to the borrower at the time of the mortgage closing, so that the borrower understands when and how they can cancel their PMI. In fact, the borrower receives an amortization table that gives them a date certain when they may voluntarily cancel the PMI and a date certain when the PMI will be automatically canceled. Second, the bill requires the mortgage servicer to provide annual notices to the homeowner and then to let the homeowner know that they've reached 80 percent loan-to-value ratio, based upon the original amortization table, and therefore, the homeowner may have the right to cancel. Third, the bill provides that for the vast majority of homeowners, their PMI will be automatically canceled at 78 percent loan-to-value ratio, based upon the original amortization table. Lastly, there are some very, very narrow exceptions for high-risk loans that allow the continuation of PMI to the halflife of the loan.

Let me put it more simply, Mr. President: for the overwhelming majority of homeowners, when you've got 20 percent equity in your home, you have the right to initiate cancellation of your PMI. If you choose not to initiate the cancellation, your PMI will be automatically canceled at 22 percent equity. It's that simple. And the result of these reforms will save hundreds of thousands of homeowners as much as $1,200 a year.

As easy as the problem was to identify, it was a complicated and difficult process to achieve this legislative remedy. I particularly wish to acknowledge the outstanding work of Chairman D'AMATO, with whom I joined in this effort back in February. I would also like to thank Senator SARBANES, Senator FAIRCLOTH, and Senator BENNETT for their tireless efforts to achieve a bill that serves the interest of consumers without inadvertently disrupting the mortgage lending industry.

I urge my colleagues to join me in passing this legislation.

Mr. FAIRCLOTH. Mr. President, I want to commend my colleagues on the Banking Committee for their tireless efforts to craft this piece of legislation so that the final bill can enjoy such broad bipartisan support. The Banking Committee has passed positive legislation to protect consumers and give them new rights for canceling private mortgage insurance.

Private mortgage insurance has been a great tool to increase homeownership. But there have been too many cases where people had trouble canceling the insurance long after it was needed. This bill gives consumers the opportunity to cancel their private mortgage insurance at 20-percent equity and requires automatic cancellation at 22-percent equity. S. 318 requires that homebuyers be informed about their right to cancel private mortgage insurance. It creates a national standard for cancellation that is clear and simple for consumers to understand. I believe it is a winner for all kinds of consumers.

When S. 318 was first introduced about 9 months ago many on the committee could not support it. It created unnecessary government mandates and controls on the entire mortgage industry by setting a bright line rule for cancellation. As a result, S. 318 as introduced, would have increased the cost of obtaining a low downpayment mortgage and would have put homeownership out of the reach for many families.

The version that was reported out of the committee, by a 16-to-1 vote on October 23, still provides consumers with important rights, but eliminates the Federal Government's role in the marketplace so that industry can continue to create innovative products for future homebuyers. Further, the bill provides meaningful limitations on class action lawsuits without stripping consumers of their enforcement mechanisms in the bill.

I believe that S. 318, as written today, is a good bill for consumers everywhere. Mortgage insurance is a valuable financial tool that allows people to get into homes years sooner than they would otherwise. But I do not want anyone to pay for it longer than it is needed. This bill gives consumers that protection.

Mr. SESSIONS. I ask unanimous consent that the amendment be considered as read and agreed to, the bill be considered as read a third time and passed as amended, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The amendment (No. 1623) was agreed to.

The bill (S. 318), as amended, was read the third time and passed.

The title was amended so as to read: A Bill to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

CANCELLATION DISAPPROVAL ACT OF 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 284, H.R. 2631.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2631) disapproving the cancellations transmitted by the President on October 6, 1997 regarding public law 105–45.

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

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

Mr. SESSIONS. I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD at the appropriate place.

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

The bill (H.R. 2631) was ordered to a third reading, was read the third time, and passed.

COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 280, S. 1115.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1115) to amend title 49, United States Code, to improve the one-call notification process, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 1115) was read the third time and passed, as follows:

S. 1115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive One-Call Notification Act of 1997''.

SECTION 2. FINDINGS.

The Congress finds that—

(1) unintentional damage to underground facilities during excavation is a significant cause of disruptions in telecommunications, water supply, electric power and other vital public services, such as hospital and air traffic control operations, and is a leading cause of natural gas and hazardous liquid pipeline accidents;

(2) excavation that is performed without prior notification to an underground facility operator or with inaccurate marking of such a facility prior to excavation can cause damage that results in fatalities, serious injuries, harm to the environment and disruption of vital services to the public; and

(3) protection of the public and the environment from the consequences of underground facility damage caused by excavations will be enhanced by a coordinated national effort to improve one-call notification programs in each State and the effectiveness and efficiency of one-call notification system that operate under such programs.

SEC. 3. ESTABLISHMENT OF ONE-CALL PROGRAM.

(a) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by adding at the end thereof the following:

''CHAPTER 61—ONE-CALL NOTIFICATION PROGRAM

''Sec.
''6101. Purposes.
''6102. Definitions.
''6103. Minimum standards for State one-call notification programs.
''6104. Compliance with minimum standards.
''6105. Review of one-call system best practices.
''6106. Grants to States.
''6107. Authorization of appropriations.

''§ 6101. Purposes.

''The purposes of this chapter are—

''(1) to enhance public safety;

''(2) to protect the environment;

''(3) to minimize risks to excavators; and

''(4) to prevent disruption of vital public services,

by reducing the incidence of damage to underground facilities during excavation through the adoption and efficient implementation by all States of State one-call notification programs that meet the minimum standards set forth under section 6103.

''§ 6102. Definitions.

''For purposes of this chapter—

''(1) ONE-CALL NOTIFICATION SYSTEM.—The term ''one-call notification system'' means a system operated by an organization that has as one of its purposes to receive notification from excavators of intended excavation in a specified area in order to disseminate such notification to underground facility operators that are members of the system so that such operators can locate and mark their facilities in order to prevent damage to underground facilities in the course of such excavation.

''(2) STATE ONE-CALL NOTIFICATION PROGRAM.—The term ''State one-call notification program'' means the State statutes, regulations, orders, judicial decisions, and other elements of law and policy in effect in a State that establish the requirements for the operation of one-call notification systems in such State.

''(3) STATE.—The term 'State' means a State, the District of Columbia, and Puerto Rico.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''§ 6103. Minimum standards for State one-call notification programs

''(a) MINIMUM STANDARDS.—A State one-call notification program shall, at a minimum, provide for—

''(1) appropriate participation by all underground facility operators;

''(2) appropriate participation by all excavators; and

''(3) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

''(b) APPROPRIATE PARTICIPATION.—In determining the appropriate extent of participation required for types of underground facilities or excavators under subsection (a), a State shall assess, rank, and take into consideration the risks to the public safety, the environment, excavators, and vital public services associated with

''(1) damage to types of underground facilities; and

''(2) activities of types of excavators.

''(c) IMPLEMENTATION.—A State one-call notification program also shall, at a minimum, provide for

''(1) consideration of the ranking of risks under subsection (b) in the enforcement of its provisions;

''(2) a reasonable relationship between the benefits of one-call notification and the cost of implementing and complying with the requirements of the State one-call notification program; and

''(3) voluntary participation where the State determines that a type of underground facility or an activity of a type of excavator poses a *de minimis* risk to public safety or the environment.

''(d) PENALTIES.—To the extent the State determines appropriate and necessary to achieve the purposes of this chapter, a State one-call notification program shall, at a minimum, provide for

''(1) administrative or civil penalties commensurate with the seriousness of a violation by an excavator or facility owner of a State one-call notification program;

''(2) increased penalties for parties that repeatedly damage underground facilities because they fail to use one-call notification systems or for parties that repeatedly fail to provide timely and accurate marking after the required call has been made to a one-call notification system;

''(3) reduced or waived penalties for a violation of a requirement of a State one-call notification program that results in, or could result in, damage that is promptly reported by the violator;

''(4) equitable relief; and

''(5) citation of violations.

''§ 6104. Compliance with minimum standards

''(a) REQUIREMENT.—In order to qualify for a grant under section 6106, each State shall, within 2 years after the date of the enactment of the Comprehensive One-Call Notification Act of 1997, submit to the Secretary a grant application under subsection (b).

''(b) APPLICATION.—

''(1) Upon application by a State, the Secretary shall review that State's one-call notification program, including the provisions for implementation of the program and the record of compliance and enforcement under the program.

''(2) Based on the review under paragraph (1), the Secretary shall determine whether the State's one-call notification program meets the minimum standards for such a program set forth in section 6103 in order to qualify for a grant under section 6106.

''(3) In order to expedite compliance under this section, the Secretary may consult with the Secretary may consult with the State as to whether an existing State on-call notification program, a specific modification thereof, or a proposed State program would result in a positive determination under paragraph (2).

''(4) The Secretary shall prescribe the form of, and manner of filing, an application under this section that shall provide sufficient information about a State's one-call notification program for the Secretary to evaluate its overall effectiveness. Such information may include the nature and reasons for exceptions from required participation, the types of enforcement available, and such other information as the Secretary deems necessary.

''(5) The application of a State under paragraph (1) and the record of actions of the Secretary under this section shall be available to the public.

''(c) ALTERNATIVE PROGRAM.—A State may maintain an alternative one-call notification program is that program provides protection for public safety, the environment, or excavators that is equivalent to, or greater than, protection under a program that meets the minimum standards set forth in section 6103.

''(d) REPORT.—Within 3 years after the date of the enactment of the Comprehensive One-call Notification Act of 1997, the Secretary shall begin to include the following information in reports submitted under section 60124 of this title—

''(1) a description of the extent to which each State has adopted and implemented the minimum Federal standards under section 6103 or maintains an alternative program under subsection (c);

''(2) an analysis by the Secretary of the overall effectiveness of the State's one-call notification program and the one-call notification systems operating under such program in achieving the purposes of this chapter;

''(3) the impact of the State's decisions on the extent or required participation in one call notification systems on prevention of damage to underground facilities; and

''(4) areas where improvements are needed in one call notification systems in operation in the State.

The report shall also include any recommendations the Secretary determines appropriate. If the Secretary determines that the purposes of this chapter have been substantially achieved, no further report under this section shall be required.

''§ 6105. Review of one-call system best practices

''(a) STUDY OF EXISTING ONE-CALL SYSTEMS.—Except as provided in subsection (d), the Secretary, in consultation with other appropriate Federal agencies, State agencies, one-call notification system operators, underground facility operators, excavators, and other interested parties, shall undertake a study of damage prevention practices associated with existing one-call notification systems.

''(b) PURPOSE OF STUDY OF DAMAGE PREVENTION PRACTICES.—The purpose of the study is to assemble information in order to determine which existing one-call notification systems practices appear to be the most effective in preventing damage to underground facilities and in protecting the public, the environment, excavators, and public service disruption. As part of the study, the Secretary shall at a minimum consider—

''(1) the methods used by one-call notification systems and others to encourage participation by excavators and owners of underground facilities;

''(2) the methods by which one-call notification systems promote awareness of their

programs, including use of public service announcements and educational materials and programs;

''(3) the methods by which one-call notification systems receive and distribute information from excavators and underground facility owners;

''(4) the use of any performance and service standards to verify the effectiveness of a one-call notification system;

''(5) the effectiveness and accuracy of mapping used by one-call notification systems;

''(6) the relationship between one-call notification systems and preventing intentional damage to underground facilities;

''(7) how one-call notification systems address the need for rapid response to situations where the need to excavate is urgent;

''(8) the extent to which accidents occur due to errors in marking of underground facilities, untimely marking or errors in the excavation process after a one-call notification system has been notified of an excavation;

''(9) the extent to which personnel engaged in marking underground facilities may be endangered;

''(10) the characteristics of damage prevention programs the Secretary believes could be relevant to the effectiveness of State one-call notification programs; and

''(11) the effectiveness of penalties and enforcement activities under State one-call notification programs in obtaining compliance with program requirements.

''(c) REPORT.—Within 1 year after the date of the enactment of the Comprehensive One-Call Notification Act of 1997, the Secretary shall publish a report identifying those practices of one-call notification systems that are the most and least successful in—

''(1) preventing damage to underground facilities; and

''(2) providing effective and efficient service to excavators and underground facility operators.

The Secretary shall encourage States and operators of one-call notification programs to adopt and implement the most successful practices identified in the report.

''(d) SECRETARIAL DISCRETION.—Prior to undertaking the study described in subsection (a), the Secretary shall determine whether timely information described in subsection (b) is readily available. If the Secretary determines that such information is readily available, the Secretary is not required to carry out the study.

§ 6106. Grants to States

''(a) IN GENERAL.—The Secretary may make a grant of financial assistance to a State that qualifies under section 6104(b) to assist in improving—

''(1) the overall quality and effectiveness of one-call notification systems in the State;

''(2) communications systems linking one-call notification systems;

''(3) location capabilities, including training personnel and developing and using location technology;

''(4) record retention and recording capabilities for one-call notification systems;

''(5) public information and education;

''(6) participation in one-call notification systems; or

''(7) compliance and enforcement under the State one-call notification program.

''(b) STATE ACTION TAKEN INTO ACCOUNT.—In making grants under this section the Secretary shall take into consideration the commitment of each State to improving its State one-call notification program, including legislative and regulatory actions taken by the State after the date of enactment of the Comprehensive One-Call Notification Act of 1997.

''(c) FUNDING FOR ONE-CALL NOTIFICATION SYSTEMS.—A State may provide funds received under this section directly to any one-call notification system in such State that substantially adopts the best practices identified under section 6105.

''§ 6107. Authorization of appropriations

''(a) FOR GRANTS TO STATES.—There are authorized to be appropriated to the Secretary in fiscal year 1999 no more than $1,000,000 and in fiscal year 2000 no more than $5,000,000, to be available until expended, to provide grants to States under section 6106.

''(b) FOR ADMINISTRATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary during fiscal years 1998, 1999, and 2000 to carry out sections 6103, 6104, and 6105.

''(c) GENERAL REVENUE FUNDING.—Any sums appropriated under this section shall be derived from general revenues and may not be derived from amounts collected under section 60301 of this title.''.

(b) CONFORMING AMENDMENTS.—

(1) The analysis of chapters for subtitle III of title 49, United States Code, is amended by adding at the end thereof the following:

''CHAPTER 61—ONE-CALL NOTIFICATION PROGRAM''.

(2) Chapter 601 of title 49, United States Code, is amended—

(A) by striking ''sections 60114 and'' in section 60105(a) of that chapter and inserting ''section'';

(B) by striking section 60114 and the item relating to that section in the table of sections for that chapter;

(C) by striking ''60114(c), 60118(a),'' in section 60122(a)(1) of that chapter and inserting ''60118(a),'';

(D) by striking ''60114(c) or'' in section 60123(a) of that chapter;

(E) by striking ''sections 60107 and 60114(b)'' in subsections (a) and (b) of section 60125 and inserting ''section 60107'' in each such subsection; and

(F) by striking subsection (d) of section 60125, and redesignating subsections (e) and (f) of that section as subsections (d) and (e).

MUSEUM AND LIBRARY SERVICES TECHNICAL AND CONFORMING AMENDMENTS OF 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1505, introduced earlier today by Senator JEFFORDS.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1505) to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

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

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

Mr. INOUYE. Mr. President, may I call upon my colleague, the esteemed Chairman of the Committee on Labor and Human Resources, to clarify a matter that is addressed in the bill to provide technical amendments to the Museum and Library Services Act?

Mr. JEFFORDS. I am pleased to answer any question that the Senator from Hawaii may have.

Mr. INOUYE. Under the provisions of the Library Services and Construction Act, Public Law 98–480, Native Hawaiian organizations are authorized to provide library services to Native Hawaiians. One of our most exemplary Federal grantees, Alu Like, Inc., has been administering the Native Hawaiian Library Project since 1985.

Native Hawaiian children in the State's public school system start school well behind other students when it comes to crucial vocabulary skills. Hawaiian children enter kindergarten with lower vocabulary scores than other children (12th percentile: Peabody Picture Vocabulary Test—Revised, 1989), and in achievement tests of basic skills, Hawaiian students continue to perform below national norms and other groups in Hawaii. On the Reading Comprehension Subtest of the Stanford Achievement Test administered by the Hawaii State Department of Education in the spring of 1990, Hawaiian eighth grade students scored at the 18th percentile, the lowest of the four principal ethnic groups in Hawaii. A recent study in Hawaii by the Governor's Council for Literacy shows that Native Hawaiian adults have low literacy rates, with 30 percent at the lowest level compared with 19 percent of adults statewide.

It is these statistics, and the need to assure that parents have reading skills sufficient to foster learning and reading skills in their preschool and school-age children, that the Native Hawaiian Library Project has sought to address. This has been made possible because of the federal resources that have been made available under the Library Services and Construction Act. The initial funding for this program was $590,123 and 1985, and because of the program's documented effectiveness, it has been funded each year thereafter for a total of $7,223,297. Funding in the past fiscal year was $635,025.

It is my understanding that in enacting the Museum and Library Services Act, the Congress sought to extend the authority for the library services programs that have proven to be so effective in enriching the reading and vocabulary skills of Americans of all ages. In our State, it has enabled Native Hawaiian children to begin to perform on a par with other students, it has effected a reduction in the drop-out rates of Native Hawaiian students and demonstrated a marked improvement in their performance on achievement tests, and has enabled adults with new literacy skills to secure employment.

It is because of the importance of this program to the Native Hawaiian people of our State that I seek your clarification that the bill to provide technical and conforming amendments to the Museum and Library Services Act, specifically section 6 of that measure, is intended simply to maintain the status quo relative to the federal support for Native Hawaiian library services by extending the authority for grants to Native Hawaiian organizations for this purpose.

Mr. JEFFORDS. The Senator from Hawaii is correct in his reading of the

bill. It is our intent to assure that .25 percent of appropriated funds are reserved to provide services to Hawaiian Natives. This authority did exist under the Library Services and Construction Act.

Mr. INOUYE. I thank the chairman of the Labor and Human Resources Committee for this clarification and urge my colleagues to support this measure.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 1505) was deemed read the third time and passed, as follows:

S. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Museum and Library Services Technical and Conforming Amendments of 1997''.

SEC. 2. APPOINTMENT OF EMPLOYEES.

Section 206 of the Museum and Library Services Act (20 U.S.C. 9105 et seq.) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) APPOINTMENT AND COMPENSATION OF TECHNICAL AND PROFESSIONAL EMPLOYEES.—

''(1) IN GENERAL.—Subject to paragraph (2), the Director may appoint without regard to the provisions of title 5, United States Code, governing the appointment in the competitive service and may compensate without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title (relating to the classification and General Schedule pay rates), such technical and professional employees as the Director determines to be necessary to carry out the duties of the Institute.

''(2) NUMBER AND COMPENSATION.—The number of employees appointed and compensated under paragraph (1) shall not exceed ⅕ of the number of full-time regular or professional employees of the Institute. The rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS–15 of the General Schedule under section 5332 of title 5.''.

SEC. 3. SPECIAL LIBRARIES.

Section 213(2)(E) of the Museum and Library Services Act (20 U.S.C. 9122(2)(E)) is amended—

(1) by inserting ''or other special library'' after ''a private library''; and

(2) by inserting ''or special'' after ''such private''.

SEC. 4. RESERVATIONS.

Section 221(a)(1) of the Museum and Library Services Act (20 U.S.C. 9131(a)(1)) is amended—

(1) in subparagraph (A), by striking ''1½ percent'' and inserting ''1.75 percent''; and

(2) in subparagraph (B), by striking ''4 percent'' and inserting ''3.75 percent''.

SEC. 5. MAINTENANCE OF EFFORT.

The second sentence of section 223(c)(1)(A)(i) of the Museum and Library Services Act (20 U.S.C. 9133(c)(1)(A)(i)) is amended to read as follows: ''The amount of the reduction in the allotment for any fiscal year shall be equal to the allotment multiplied by a fraction—

''(I) the numerator of which is the result obtained by subtracting the level of such State expenditures for the fiscal year for which the determination is made, from the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made; and

''(II) the denominator of which is the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.''.

SEC. 6. SERVICE TO INDIAN TRIBES.

Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended—

(1) in the section heading, by striking ''**INDIAN TRIBES**'' and inserting ''**NATIVE AMERICANS**''; and

(2) by striking ''to organizations'' and all that follows through ''such organizations'' and inserting ''to Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as the term is defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912) to enable such tribes and organizations''.

SEC. 7. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.

Section 262 of the Museum and Library Services Act (20 U.S.C. 9162) is amended—

(1) in the section heading, by striking ''**NATIONAL LEADERSHIP GRANTS OR CONTRACTS**'' and inserting ''**NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS**'';

(2) in subsection (a)—

(A) by striking ''program awarding national leadership grants or contracts'' and inserting ''program of awarding grants or entering into contracts or cooperative agreements''; and

(B) by striking ''Such grants or contracts'' and inserting ''Such grants, contracts, and cooperative agreements'';

(3) in subsection (b)—

(A) in the section heading, by striking ''(b) GRANTS OR CONTRACTS'' and inserting ''(b) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS;'' and

(B) in paragraph (1), by inserting ''or cooperative agreements,'' after ''contracts''; and

(C) in paragraph (2), by striking ''Grants and contracts'' and inserting ''Grants, contracts, and cooperative agreements''.

SEC. 8. CORRECTION OF TYPOGRAPHICAL ERROR.

Section 262(a)(3) of the Museum and Library Services Act (20 U.S.C. 9162(a)(3)) is amended by striking ''preservation of digitization'' and inserting ''preserving or digitization''.

EXPRESSING SENSE OF CONGRESS REGARDING WOMEN'S MUSEUM INSTITUTE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 67, submitted earlier today by Senator HUTCHISON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 67) expressing the sense of Congress that the museum entitled ''The Women's Museum: An Institute for the Future,'' in Dallas, Texas, be designated as a millennium project of the United States.

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON. Mr. President, I am pleased today to support, along with my distinguished colleagues, Senators MURRAY, SNOWE, LANDRIEU, FEINSTEIN, BOXER, MIKULSKI, MOSELEY-BRAUN, and COLLINS this concurrent resolution to grant recognition to the effort now underway to establish The Women's Museum: An Institute for the Future.

This important museum, being sponsored by the Foundation for Women's Resources in Texas and to be completed in 2000 in Dallas, will appropriately be designated by this resolution as a national millennium project for the United States. While the resolution will not preclude other official events and activities commemorating the turn of the millennium, it will serve to highlight the contributions of women in our Nation and world and how those contributions promise to continue to expand and evolve into the next century and millennium. The Women's Museum: An Institute for the Future will become a focal point for this recognition and appreciation of the role of women in our lives and culture and in commerce, politics, art, music, the sciences, and virtually every other field of endeavor.

Mr. President, I am especially excited about the tremendous potential of this museum to educate all people, particularly young women and girls, about the growing opportunities women have today—opportunities that were only dreams a few decades ago. These visitors to the museum will have the opportunity to learn about the past, present, and potential future lives and accomplishments of women, using a variety of traditional and innovative exhibits and interactive experiences. Moreover, the museum will serve as a center where people may gather to discuss and research the history and trends of issues affecting women.

The museum will be housed in the historic Texas State Fair Coliseum, located on the grounds of Fair Park in Dallas, which receives over six million visitors a year and is already home to a host of cultural and artistic attractions. The Women's Museum: An Institute for the Future will be an exciting addition to this state and national asset, and I am confident will continue to attract the enthusiastic support of governments, individuals, and corporations across the nation and across the world. It is my hope that this concurrent resolution will help focus even more attention on this effort to acknowledge and understand the virtually limitless potential of women in our society.

Thank you, Mr. President, and I ask unanimous consent that the text of the concurrent resolution be printed in the RECORD.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Con. Res. 67) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. CON. RES. 67

Whereas knowledge of our heritage is critical to understanding and meeting the challenges of today and developing a vision for our future;

Whereas the recognition of historic contributions of women to civilization is woefully lacking and such contributions are misunderstood in our Nation's cultural and historical landscape;

Whereas the Foundation for Women's Resources has announced the creation of The Women's Museum: An Institute for the Future (in this resolution referred to as the ''Museum''), a state-of-the-art, interactive museum that will—

(1) profile the specific achievements of individual women throughout history;

(2) explore the experiences of women in our civilization; and

(3) celebrate the role of women in culture, commerce, politics, art, music, and the sciences;

Whereas the Museum will both honor the past contributions of women in history as well as the future role of women in our society;

Whereas the Museum will be housed in the restored State Fair Coliseum in Dallas, Texas, and designed by architect Wendy Evans Joseph, Senior designer for the United States Holocaust Memorial Museum;

Whereas the Museum has been widely supported by numerous women's organizations, local governments, corporations, and individuals;

Whereas the Museum is scheduled to open in the year 2000, the first time as a Nation we have witnessed the turn of a millennium; and

Whereas the turn of the millennium will be commemorated by government institutions and agencies with special projects and events all over our country: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress—

(1) that the past, present, and future contributions of women to culture, commerce, politics, art, music, and the sciences should be recognized and celebrated;

(2) that The Women's Museum: An Institute for the Future, in Dallas, Texas, should be designated as a millennium project for the United States; and

(3) that Federal agencies and other Federal institutions should support the establishment and operation of The Women's Museum: An Institute for the Future by—

(A) providing construction and operational support;

(B) supporting a ground-breaking ceremony for the museum; and

(C) supporting the museum and its objectives in all other respects.

AMENDING STANDING RULES OF THE SENATE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 151, submitted earlier today by Senators WARNER and FORD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 151) to amend the Standing Rules of the Senate to require the Committee on Rules and Administration to develop, implement, and update as necessary a strategic planning process for the functional and technical infrastructure support of the Senate.

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

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

Mr. WARNER. Mr. President, as chairman of the Committee on Rules and Administration, it is my job to ensure that our colleagues have the support services they need to perform our constitutional responsibilities. Almost all of those services rely on information technology which must be coordinated between various authorities in the Senate. Ultimately, however, it is the Rules Committee that sets the overall policies for these services and remains responsible for ensuring that the needs of Senators and committees are met.

With the explosion in information technology, and the increasing sophistication of our user community, it is almost a full time job to ensure that the Senate keeps up with changes in technology in a timely manner. To assist in our responsibilities, the Committee sought the advice of outside experts with considerable experience advising both governmental entities and private industry in making the information technology and infrastructure support delivery decisions.

The consulting firm of Booz-Allen & Hamilton thoroughly reviewed our service delivery systems in the Senate, with considerable cooperation and participation by members' offices and the officers of the Senate. Booz-Allen has advised the Committee that the implementation of a strategic planning process for reviewing and coordinating the information technology and infrastructure support services of the Senate would enable us to make more cost-effective decisions about how to deliver those services.

The ranking member, Senator FORD, and I agree that this is a business practice that can prove very beneficial for the Senate. The resolution that we offer establishes that strategic planning process. I urge the adoption of the resolution.

Mr. FORD. Mr. President, the Committee on Rules and Administration has the responsibility of ensuring that everything runs smoothly in the Senate. We have to stay current on the latest technology to be responsive to the needs of Senators and committees, and to make sure that we are using taxpayers' dollars wisely. There is a very delicate balance to strike between taking care of Members' individual needs and ensuring that the overall administration of the Senate functions in a coordinated and efficient manner.

To help the Rules Committee meet our responsibilities under the Standing Rules, the Committee solicited the advice of the consulting firm of Booz-Allen & Hamilton. Booz-Allen came before the Committee and presented their recommendations for how the Committee, and the Senate as a whole, can ensure that information technology and infrastructure support are more effectively and efficiently delivered in the Senate. Their recommendations include applying concepts that have worked in the private sector to bring efficiencies to technology and infrastructure support delivery. Specifically, Booz-Allen recommends that the Senate implement a strategic planning process for the delivery of information technology and infrastructure support.

This resolution provides for the creation of a strategic planning process in the Senate. I urge adoption of the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 151) was agreed to, as follows:

S. RES. 151

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 1(n)(2) of rule XXV of the Standing Rules of the Senate is amended—

(1) in division (A), by striking ''and'' at the end;

(2) in division (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) develop, implement, and update as necessary a strategy planning process and a strategic plan for the functional and technical infrastructure support of the Senate and provide oversight over plans developed by Senate officers and others in accordance with the strategic planning process.''.

SEC. 2. COOPERATION BY OFFICES OF THE SENATE.

(a) SECRETARY OF THE SENATE.—The Secretary of the Senate shall assist the efforts of the Committee on Rules and Administration with respect to the development and implementation of a strategic plan for the functional and technical infrastructure support of the Senate. The Secretary shall prepare for approval by the Committee implementation plans, including proposed budgets, for the areas of infrastructure support for which the Secretary is responsible.

(b) SERGEANT AT ARMS.—The Sergeant at Arms shall assist the efforts of the Committee on Rules and Administration with respect to the development and implementation of a strategic plan for the functional and technical infrastructure support of the Senate. The Sergeant at Arms shall prepare for approval by the Committee implementation plans, including proposed budgets, for the areas of infrastructure support for which the Sergeant at Arms is responsible.

PROFESSIONAL BOXING SAFETY ACT AMENDMENT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1506, introduced earlier today by Senators MCCAIN and BRYAN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1506) to amend the Professional Boxing Safety Act.

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

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

Mr. MCCAIN. Mr. President, this legislation, on behalf of myself and Senator BRYAN of Nevada, would add a small but important amendment to the Professional Boxing Safety Act (P.L. 104–272), that was signed into law last year. This proposal would add language to the act to prevent promoters from exploiting professional boxers with respect to a certain unethical contracting practice. It would prohibit promoters from forcing a boxer, as a pre-condition to signing a contract for a bout, to hire a relative or associate of the promoter as their manager.

Testimony at the Commerce Committee's May 22nd 1997 hearing on the professional boxing industry detailed this practice, and prominent state commissioners have further advised Senator Bryan and I that the ''forced hiring'' of a promoter's relative does indeed occur. The most offensive result of this coercive practice is that boxers are forced to turn over at least *one-third of their earnings* to an individual with whom they have no business or personal relationship whatsoever. If the boxer refuses, they are effectively blacklisted from being able to compete in the lucrative bouts they have fairly earned. Their career may be over.

This practice is simply indefensible, and it clearly takes advantage of the fact that most professional boxers have little leverage in an industry dominated by a handful of powerful promoters. This legislative would end it. This amendment would add a provision to the new federal boxing safety and ethics law (P.L. 104–272) which was enacted with bipartisan support in the Senate and House of Representatives last year. Senator Bryan played a tremendously vital role as cosponsor of the Professional Boxing Safety Act, and he recently joined me in developing this proposal.

If enacted, this modest proposal will provide further assistance to a group of athletes who have had few advocates for too long. I know this legislation will be strongly welcomed by the courageous athletes who sustain the professional boxing industry, as well as the state commissioners who have the responsibility to regulate professional boxing events.

For a promoter to force a boxer to turn over one-third or one-half of his earnings, by threatening to deny them the chance to compete in a major bout, is extremely offensive and unethical. This practice would never be tolerated in any other sport or profession in the U.S. Indeed, it would probably result in the promoter being kicked out of a professional sports league or be the subject of a law enforcement proceeding. The only reason that it has occurred in professional boxing is because the overwhelming majority of boxers in America are completely powerless when it comes to their own financial futures. They are often at the whim of the powerful business interests who dominate the sport. Furthermore, with no union or private industry association to help advocate their causes and interests, boxers are routinely ignored by business entities in the sport.

I am sure that every Member of the Senate would join senator BRYAN and I in ending this egregious practice if they were aware of it. This modest legislative proposal will achieve this goal, and stop one form of exploitation against a group of athletes who have been subject to fraudulent and coercive business practices for decades. I hope my colleagues will support the swift passage of this proposal.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 1506) was deemed read the third time and passed.

The text of the bill will be printed in a future edition of the RECORD.

PETER J. MCCLOSKEY POSTAL FACILITY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 264, H.R. 2564.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2564) to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the ''Peter J. McCloskey Postal Facility.''

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

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 2564) was read a third time and passed.

THE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the following bills: Calendar No. 259, H.R. 282; calendar No. 262, H.R. 681; calendar No. 263, H.R. 2129; calendar No. 211, H.R. 1057; and calendar No. 212, H.R. 1058.

I further ask unanimous consent that the bills be considered read three times and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be placed in the RECORD at the appropriate place, with the preceding all done en bloc.

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

OSCAR GARCIA RIVERA POST OFFICE BUILDING

A bill (H.R. 282) to designate the U.S. Post Office Building located at 153 East 110th Street, New York, NY, as the ''Oscar Garcia Rivera Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

CARLOS J. MOORHEAD POST OFFICE BUILDING

A bill (H.R. 681) to designate the U.S. Post Office Building located at 313 East Broadway in Glendale, CA, as the ''Carlos J. Moorhead Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

DOUGLAS APPLEGATE POST OFFICE BUILDING

A bill (H.R. 2129) to designate the U.S. Post Office Building located at 150 North 3d Street in Steubenville, OH, as the ''Douglas Applegate Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

ANDREW JACOBS, JR. POST OFFICE BUILDING

A bill (H.R. 1057) to designate the building in Indianapolis, IN, which houses the operation of the Indianapolis Main Post Office as the ''Andrew Jacobs, Jr. Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

JOHN T. MYERS POST OFFICE BUILDING

A bill (H.R. 1058) to designate the facility of the U.S. Postal Service under construction at 150 West Margaret Drive in Terre Haute, IN, as the ''John T. Myers Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

PROVIDING CERTAIN BENEFITS OF THE PICK-SLOAN MISSOURI RIVER BASIN PROGRAM TO THE LOWER BRULE SIOUX TRIBE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 156, a bill reported earlier today by the Indian Affairs Committee.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 156) to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) under the Act of December 22, **[**1994**]** *1944*, commonly known as the ''Flood Control Act of **[**1994**]** *1944*'' (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Fort Randall and Big Bend projects are major components of the Pick-Sloan Missouri River Basin program, and contribute to the national economy by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(3) the Fort Randall and Big Bend projects overlie the **[**western**]** *eastern* boundary of the Lower Brule Indian Reservation, having inundated the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Lower Brule Sioux Tribe and the homeland of the members of the Tribe;

(4) Public Law 85–923 (72 Stat. 1773 et seq.) authorized the acquisition of 7,997 acres of Indian land on the Lower Brule Indian Reservation for the Fort Randall project and Public Law 87–734 (76 Stat. 698 et seq.) authorized the acquisition of 14,299 acres of Indian land on the Lower Brule Indian Reservation for the Big Bend project;

(5) Public Law 87–734 (76 Stat. 698 et seq.) provided for the mitigation of the effects of the Fort Randall and Big Bend projects on the Lower Brule Indian Reservation, by directing the Secretary of the Army to—

(A) as necessary, by reason of the Big Bend project, protect, replace, relocate, or reconstruct—

(i) any essential governmental and agency facilities on the reservation, including schools, hospitals, offices of the Public Health Service and the Bureau of Indian Affairs, service buildings, and employee quarters existing at the time that the projects were carried out; and

(ii) roads, bridges, and incidental matters or facilities in connection with those facilities;

(B) provide for a townsite adequate for 50 homes, including streets and utilities (including water, sewage, and electricity), taking into account the reasonable future growth of the townsite; and

(C) provide for a community center containing space and facilities for community gatherings, tribal offices, tribal council chamber, offices of the Bureau of Indian Affairs, offices and quarters of the Public Health Service, and a combination gymnasium and auditorium;

(6) the requirements under Public Law 87–734 (76 Stat. 698 et seq.) with respect to the mitigation of the effects of the Fort Randall and Big Bend projects on the Lower Brule Indian Reservation have not been fulfilled;

(7) although the national economy has benefited from the Fort Randall and Big Bend projects, the economy on the Lower Brule Indian Reservation remains underdeveloped, in part as a consequence of the failure of the Federal Government to fulfill the obligations of the Federal Government under the laws referred to in paragraph (4);

(8) the economic and social development and cultural preservation of the Lower Brule Sioux Tribe will be enhanced by increased tribal participation in the benefits of the Fort Randall and Big Bend components of the Pick-Sloan Missouri River Basin program; and

(9) the Lower Brule Sioux Tribe is entitled to additional benefits of the Pick-Sloan Missouri River Basin program.

SEC. 3. DEFINITIONS.

In this Act:

(1) FUND.—The term ''Fund'' means the Lower Brule Sioux Tribe Infrastructure Development Trust Fund established under section 4(a).

(2) PLAN.—The term ''plan'' means the plan for socioeconomic recovery and cultural preservation prepared under section 5.

(3) PROGRAM.—The term ''Program'' means the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) TRIBE.—The term ''Tribe'' means the Lower Brule Sioux Tribe of Indians, a band of the Great Sioux Nation recognized by the United States of America.

SEC. 4. ESTABLISHMENT OF LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.

(a) LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the ''Lower Brule Sioux Tribe Infrastructure Development Trust Fund''.

(b) FUNDING.—Beginning with fiscal year **[**immediately following the fiscal year during which the aggregate of the amounts deposited in the Crow Creek Sioux Tribe Infrastructure Development Trust Fund is equal to the amount specified in section 4(b) of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996 (110 Stat. 3026 et seq.)**]** *1998*, and for each fiscal year thereafter, until such time as the aggregate of the amounts deposited in the Fund is equal to $39,300,000, the Secretary of the Treasury shall deposit into the Fund an amount equal to 25 percent of the receipts from the deposits to the Treasury of the United States for the preceding fiscal year from the Program.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) ESTABLISHMENT OF ACCOUNT AND TRANSFER OF INTEREST.—The Secretary of the Treasury shall, in accordance with this subsection, transfer any interest that accrues on amounts deposited under subsection (b) into a separate account established by the Secretary of the Treasury in the Treasury of the United States.

(2) PAYMENTS.—

(A) IN GENERAL.—Beginning with the fiscal year immediately following the fiscal year during which the aggregate of the amounts deposited in the Fund is equal to the amount specified in subsection (b), and for each fiscal year thereafter, all amounts transferred under paragraph (1) shall be available, without fiscal year limitation, to the Secretary of the Interior for use in accordance with subparagraph (C).

(B) WITHDRAWAL AND TRANSFER OF FUNDS.—For each fiscal year specified in subparagraph (A), the Secretary of the Treasury shall withdraw amounts from the account established under paragraph (1) and transfer such amounts to the Secretary of the Interior for use in accordance with subparagraph (C). The Secretary of the Treasury may only withdraw funds from the account for the purpose specified in this paragraph.

(C) PAYMENTS TO TRIBE.—The Secretary of the Interior shall use the amounts transferred under subparagraph (B) only for the purpose of making payments to the Tribe.

(D) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (C) only for carrying out projects and programs pursuant to the plan prepared under section 5.

(3) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this subsection may be distributed to any member of the Tribe on a per capita basis.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CULTURAL PRESERVATION.

(a) PLAN.—

(1) IN GENERAL.—The Tribe shall, not later than 2 years after the date of enactment of this Act, prepare a plan for the use of the payments made to the Tribe under section 4(d)(2). In developing the plan, the Tribe shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(2) REQUIREMENTS FOR PLAN COMPONENTS.—The plan shall, with respect to each component of the plan—

(A) identify the costs and benefits of that component; and

(B) provide plans for that component.

(b) CONTENT OF PLAN.—The plan shall include the following programs and components:

(1) EDUCATIONAL FACILITY.—The plan shall provide for an educational facility to be located on the Lower Brule Indian Reservation.

(2) COMPREHENSIVE INPATIENT AND OUTPATIENT HEALTH CARE FACILITY.—The plan shall provide for a comprehensive inpatient and outpatient health care facility to provide essential services that the Secretary of Health and Human Services, in consultation with the individuals and entities referred to in subsection (a)(1), determines to be—

(A) needed; and

(B) unavailable through facilities of the Indian Health Service on the Lower Brule Indian Reservation in existence at the time of the determination.

(3) WATER SYSTEM.—The plan shall provide for the construction, operation, and maintenance of a municipal, rural, and industrial water system for the Lower Brule Indian Reservation.

(4) RECREATIONAL FACILITIES.—The plan shall provide for recreational facilities suitable for high-density recreation at Lake Sharpe at Big Bend Dam and at other locations on the Lower Brule Indian Reservation in South Dakota.

(5) OTHER PROJECTS AND PROGRAMS.—The plan shall provide for such other projects and programs for the educational, social welfare, economic development, and cultural preservation of the Tribe as the Tribe considers to be appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act, including such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 7. EFFECT OF PAYMENTS TO TRIBE.

(a) IN GENERAL.—No payment made to the Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

(b) EXEMPTIONS; STATUTORY CONSTRUCTION.—

(1) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin power rates.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed as diminishing or affecting—

(A) any right of the Tribe that is not otherwise addressed in this Act; or

(B) any treaty obligation of the United States.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

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

The committee amendments were agreed to.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 156), as amended, was read a third time and passed.

FEDERAL JUDICIARY PROTECTION ACT OF 1997

Mr. SESSIONS. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 203, S. 1189.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1189) to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

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

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

AMENDMENT NO. 1624

(Purpose: To increase the maximum term of imprisonment for assaulting, resisting, or impeding certain officers or employees)

Mr. SESSIONS. There is an amendment at the desk submitted by Senator FEINSTEIN, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mrs. FEINSTEIN, proposes an amendment numbered 1624.

Mr. SESSIONS. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, line 6, strike ''8'' and insert ''12''.

Mr. SESSIONS. I ask unanimous consent the amendment be agreed to.

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

The amendment (No. 1624) was agreed to.

Mr. LEAHY. Mr. President, I delighted that the Senate is about to pass the Federal Judiciary Protection Act of 1997, S. 1189. I am a proud cosponsor of this legislation.

This legislation would provide greater protection to Federal judges, law enforcement officers and their families. Specifically, our legislation would: increase the maximum prison term for forcible assaults, resistance, opposition, intimidation or interference with a Federal judge or law enforcement officer from 3 years imprisonment to 8 years; increase the maximum prison term for use of a deadly weapon or infliction of bodily injury against a Federal judge or law enforcement officer from 10 years imprisonment to 20 years; and increase the maximum prison term for threatening murder or kidnaping of a member of the immediate family of a Federal judge or law enforcement officer from 5 years imprisonment to 10 years. It has the support of the Department of Justice, the United States Judicial Conference, the United States Sentencing Commission and the United States Marshal Service.

It is most troubling that the greatest democracy in the world needs this legislation to protect the hard working men and women who serve in our Federal judiciary and other law enforcement agencies. But, unfortunately, we are seeing more violence and threats of violence against officials of our Federal government.

Earlier this year, for example, a courtroom in Urbana, Illinois was firebombed, apparently by a disgruntled litigant. This follows the horrible tragedy of the bombing of the federal office building in Oklahoma City two years ago. More recently in my home state, a Vermont border patrol officer, John Pfeiffer, was seriously wounded by Carl Drega, during a shootout with Vermont and New Hampshire law enforcement officers in which Drega lost his life. Earlier that day, Drega shot and killed two state troopers and a local judge in New Hampshire. Apparently, Drega was bent on settling a grudge against the judge who had ruled against him in a land dispute.

I had a chance to visit John Pfeiffer in the hospital and met his wife and young daughter. Thankfully, Agent Pfeiffer has returned to work along the Vermont border. As a federal law enforcement officer, Agent Pfeiffer and his family will receive greater protection under our bill.

There is, of course, no excuse or justification for someone taking the law into their own hands and attacking or threatening a judge or law enforcement officer. Still, the U.S. Marshal Service is concerned with more and more threats of harm to our judges and law enforcement officers.

The extreme rhetoric that some are using to attack the judiciary only feeds into this hysteria. For example, one of the Republican leaders in the House of Representatives was recently quoted as saying: ''The judges need to be intimidated,'' and if they do not behave, ''we're going to go after them in a big way.'' I know that House Republican Whip TOM DELAY was not intending to encourage violence against any Federal official, but this extreme rhetoric only serves to degrade Federal judges in the eyes of the public.

Let none of us in the Congress contribute to the atmosphere of hate and violence. Let us treat the judicial branch and those who serve within it with the respect that is essential to its preserving its public standing.

We have the greatest judicial system in the world, the envy of people and countries around the world that are struggling for freedom. It is the independence of our third, co-equal branch of government that gives it the ability to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches, those more susceptible to the gusts of the political winds of the moment.

We are fortunate to have dedicated women and men throughout the Federal Judiciary and law enforcement in this country who do a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the federal government, who are too often maligned and unfairly disparaged. It is unfortunate that it takes acts or threats of violence to put a human face on the Federal Judiciary and other law enforcement officials, to remind everyone that these are people with children and parents and cousins and friends. They deserve our respect and our protection.

Mr. SESSIONS. I ask unanimous consent that the bill, as amended, be deemed read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The bill (S. 1189), as amended, was deemed read the third time and passed, as follows:

S. 1189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Judiciary Protection Act of 1997''.

SEC. 2. ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.

Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''three'' and inserting ''12''; and

(2) in subsection (b), by striking ''ten'' and inserting ''20''.

SEC. 3. INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.

Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking ''five'' and inserting ''10''; and

(2) by striking ''three'' and inserting ''6''.

SEC. 4. MAILING THREATENING COMMUNICATIONS.

Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''; and

(3) in subsection (d), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 5. AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(b) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in subsection (a)—

(1) any expression of congressional intent regarding the appropriate penalties for the offense;

(2) the range of conduct covered by the offense;

(3) the existing sentences for the offense;

(4) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(5) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(6) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(7) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(8) any other factors that the Commission considers to be appropriate.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. SESSIONS. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 145 and the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 145) designating the month of November 1997 as ''National American Indian Heritage Month.''

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

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

Mr. SESSIONS. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The preamble was agreed to.

The resolution (S. Res. 145) was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 145

Whereas American Indians and Alaska Natives were the original inhabitants of the land that now constitutes the United States;

Whereas American Indian tribal governments developed the fundamental principles of freedom of speech and separation of powers that form the foundation of the United States Government;

Whereas American Indians and Alaska Natives have traditionally exhibited a respect for the finiteness of natural resources through a reverence for the earth;

Whereas American Indians and Alaska Natives have served with valor in all of America's wars beginning with the Revolutionary War through the conflict in the Persian Gulf, and often the percentage of American Indians who served exceeded significantly the percentage of American Indians in the population of the United States as a whole;

Whereas American Indians and Alaska Natives have made distinct and important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas American Indians and Alaska Natives deserve to be recognized for their individual contributions to the United States as local and national leaders, artists, athletes, and scholars;

Whereas this recognition will encourage self-esteem, pride, and self-awareness in American Indians and Alaska Natives of all ages; and

Whereas November is a time when many Americans commemorate a special time in the history of the United States when American Indians and English settlers celebrated the bounty of their harvest and the promise of new kinships: Now, therefore, be it

Resolved, That the Senate designates November 1997 as ''National American Indian Heritage Month'' and requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

SENATE LEGAL COUNSEL REPRESENTATION

Mr. SESSIONS. I ask unanimous consent the Senate proceed en bloc to the immediate consideration of three Senate resolutions, S. Res. 152, S. Res. 153, and S. Res. 154, which were submitted earlier today by Senators LOTT and DASCHLE. I further ask consent that the resolutions be agreed to, the preambles be agreed to, and statements relating to these resolutions be printed in the RECORD.

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

The resolutions (S. Res. 152, S. Res. 153, and S. Res. 154), en bloc, were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 152

Whereas, in the cases of *City of New York, et al.* v. *William Clinton, et al.,* Civ. No. 97–2393, *National Treasury Employees Union, et al.,* v. *United States, et al.,* Civ. No. 97–2399, and *Snake River Potato Growers, Inc., et al.,* v. *Robert Rubin,* Civ. No. 97-2463, all pending in the United States District Court for the District of Columbia, the constitutionality of the Line Item Veto Act, Pub. L. No. 104–130, 110 Stat. 1200 (1996), has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288*l*(a), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in the cases of *City of New York, et al.,* v. *William Clinton, et al.; National Treasury Employees Union, et al.,* v. *United States, et al.*; and *Snake River Potato Growers, Inc., et al.,* v. *Robert Rubin,* to defend the constitutionality of the Line Item Veto Act.

SEC. 2. That while the Senate is adjourned the Senate Legal Counsel is authorized to appear as amicus curiae on behalf of the Senate in other cases in which the constitutionality of the Line Item Veto Act is placed in issue: *Provided,* That the Joint Leadership Group authorizes the Senate Legal Counsel to appear as amicus curiae on behalf of the Senate in such other cases.

Mr. LOTT. Mr. President, last year, after years of legislative consideration and debate, Congress enacted into law

the Line Item Veto Act. For the next several years, this act gives the President authority, within carefully circumscribed limits, to cancel particular items of appropriation, direct spending, or limited tax benefits. The President must send Congress a special message reporting his cancellations within five days after he approves the bill containing the spending or tax provisions, and Congress may then consider, under expedited procedures, whether to pass a new law disapproving the President's cancellation.

Congress delegated this responsibility to the President as a means of furthering our goal of balancing the federal budget. Congress's enactment of the Line Item Veto Act followed vigorous debate in the Senate, in which some opponents raised doubts about the law's constitutionality. All Members recognized that these constitutional questions likely ultimately would be resolved only in the Supreme Court.

Last January, the day after the law took effect, in the case of *Byrd v. Raines,* six of our colleagues filed suit challenging the constitutionality of the Line Item Veto Act. On January 22, 1997, the Senate directed the Senate Legal Counsel to appear on behalf of the Senate as amicus curiae in *Byrd v. Raines* to defend the constitutionality of the Line Item Veto Act. In June the Supreme Court dismissed the case on the basis that the plaintiffs lacked legal standing to bring their suit. The Court did not address the constitutional question.

In August, the President began using the Line Item Veto Act's cancellation authority for the first time. As a result of the President's cancellations, three new actions have recently been filed in the United States District Court for the District of Columbia again challenging the constitutionality of the Act. The plaintiffs assert that the Act violates the lawmaking provisions of Article I of the Constitution by authorizing the President to nullify the effect of portions of recently enacted laws. These challenges call into question the full range of cancellation authority provided by Congress in the Act, as the three cases address direct spending, discretionary appropriations, and limited tax benefits, respectively.

Mr. President, as with the Senate's appearance amicus curiae in *Byrd v. Raines,* appearance in these cases as an amicus curiae would again enable the Senate to present to the courts its reasons for enacting the Lien Item Veto Act and the basis for the Senate's conviction that the law is consistent with the Constitution. Accordingly, this resolution would authorize the Senate Legal Counsel to appear in these cases in the name of the Senate as amicus curiae to support the constitutionality of the Line Item Veto Act.

The Senate would not take a position on questions about the legal standing of any of these plaintiffs, as it did not in the prior litigation. However, as in the earlier litigation, the Senate Legal Counsel will be expected to describe to the courts, in the course of supporting the constitutionality of the Line Item Veto Act, the statutory limits embodied in the Act that constrain the President's use of this authority to the particular circumstances and conditions carefully prescribed by the Act.

Finally, this resolution also would authorize the Senate Legal Counsel to appear in the name of the Senate as amicus curiae to support the constitutionality of the Line Item Veto Act in any other cases challenging the constitutionality of the Act that may occur during the adjournment of the Senate, if authorized to do so by the Joint Leadership Group. This is the procedure the Senate has used in the past to protect its legal interests during adjournments.

S. RES. 153

Whereas, in the case of *Sherry Yvonne Moore* v. *Capitol Guide Board,* Case No. 1:97CV00823, pending in the United States District Court for the District of Columbia, a subpoena has been issued for the production of documents of the Sergeant-at-Arms and Doorkeeper of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony or document production relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Sergeant-at-Arms and Doorkeeper of the Senate is authorized to produce documents relevant to the case of *Sherry Yvonne Moore* v. *Capitol Guide Board,* except where a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent the Sergeant-at-Arms and Doorkeeper of the Senate in connection with the production of documents in this case.

Mr. LOTT. Mr. President, the case of *Sherry Yvonne Moore* v. *Capitol Guide Board,* pending in the United States District Court for the District of Columbia under the Congressional Accountability Act, involves claims of employment discrimination by the plaintiff, former employee of the Sergeant at Arms who worked for the Capitol Guide Service.

The plaintiff in this case has issued a subpoena for documents to the Senate Sergeant at Arms. The enclosed resolution would authorize the Sergeant at Arms to produce such documents, except where a privilege or objection should be asserted. It wou8ld also authorize the Senate Legal Counsel to represent the Sergeant at Arms in connection with the production of such documents.

S. RES. 154

Whereas, in the case of *Magee, et al.* v. *Hatch, et al.,* No. 97–CV02203, pending in the United States District Court for the District of Columbia, the plaintiffs have named Senator Orrin Hatch as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1) (1994), the Senate may direct its counsel to defend its Members in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Hatch in the case of *Magee, et al.* v. *Hatch, et al.*

Mr. LOTT. Mr. President, Magee, et al. v. *Hatch, et al.* is an action arising out of Congress's enactment of the Anti-Terrorism and Effective Death Penalty Act of 1996. The suit names Senator Orrin G. Hatch and Speaker of the House Newt Gingrich as the sole defendants. This resolution authorizes the Senate Legal Counsel to represent Senator Hatch in this matter. If so authorized, the Senate Legal Counsel will seek dismissal of the complaint.

MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT

Mr. SESSIONS. I ask unanimous consent that the Labor and Human Resources Committee be discharged from further consideration of S. 537 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 537) to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

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

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

Mr. SESSIONS. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The bill (S. 537) was deemed read the third time and passed, as follows:

S. 537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mammography Quality Standards Reauthorization Act''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 354(r)(2) of the Public Health Service Act (42 U.S.C. 263b(r)(2) (A) and (B)) are each amended by striking ''1997'' and inserting ''2002''.

(b) TECHNICAL AMENDMENT.—Section 354(r)(2)(A) of the Public Health Service Act (42 U.S.C. 263b(r)(2)(A)) is amended by striking ''subsection (q)'' and inserting ''subsection (p)''.

SEC. 3. APPLICATION OF CURRENT VERSION OF APPEAL REGULATIONS.

Section 354(d)(2)(B) of the Public Health Service Act (42 U.S.C. 263b(d)(2)(B)) is

amended by striking ''and in effect on the date of enactment of this section''.

SEC. 4. CLARIFICATION OF FACILITIES' RESPONSIBILITY TO RETAIN MAMMOGRAM RECORDS.

Section 354(f)(1)(G) of the Public Health Service Act (42 U.S.C. 263b(f)(1)(G)) is amended by striking clause (i) and inserting the following:

''(i) a facility that performs any mammogram—

''(I) except as provided in subclause (II), maintain the mammogram in the permanent medical records of the patient for a period of not less than 5 years, or not less than 10 years if no additional mammograms of such patient are performed at the facility, or longer if mandated by State law; and

''(II) upon the request of or on behalf of the patient, forward the mammogram to a medical institution or a physician of the patient; and''.

SEC. 5. SCOPE OF INSPECTIONS.

Section 354(g)(1)(A) of the Public Health Service Act (42 U.S.C. 263b(g)(1)(A)) is amended in the first sentence—

(1) by striking ''certified''; and

(2) by inserting ''the certification requirements under subsection (b) and'' after ''compliance with''.

SEC. 6. CLARIFICATION OF AUTHORITY TO DELEGATE INSPECTION RESPONSIBILITY TO LOCAL GOVERNMENT AGENCIES.

Section 354 of the Public Health Service Act (42 U.S.C. 263b) is amended—

(1) in subsections (a)(4), (g)(1), (g)(3), and (g)(4), by inserting ''or local'' after ''State'' each place it appears;

(2) in the heading of subsection (g)(3), by inserting ''OR LOCAL'' after ''STATE''; and

(3) in subsection (i)(1)(D)—

(A) by inserting ''or local'' after ''State'' the first place it appears; and

(B) by inserting ''or local agency'' after ''State'' the second place it appears.

SEC. 7. PATIENT NOTIFICATION CONCERNING HEALTH RISKS.

(a) REQUIREMENT.—Section 354(h) of the Public Health Service Act (42 U.S.C. 263b(h)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) PATIENT INFORMATION.—If the Secretary determines that the quality of mammography performed by a facility (whether or not certified pursuant to subsection (c)) was so inconsistent with the quality standards established pursuant to subsection (f) as to present a significant risk to individual or public health, the Secretary may require such facility to notify patients who received mammograms at such facility, and their referring physicians, of the deficiencies presenting such risk, the potential harm resulting, appropriate remedial measures, and such other relevant information as the Secretary may require.''.

(b) CIVIL MONEY PENALTY.—Section 354(h)(3) of the Public Health Service Act (42 U.S.C. 263b(h)(3)), as so redesignated, is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

''(C) each failure to notify a patient of risk as required by the Secretary pursuant to paragraph (2), and''

SEC. 8. REQUIREMENT TO COMPLY WITH INFORMATION REQUESTS.

Section 354(i)(1)(C) of the Public Health Service Act (42 U.S.C. 263b(i)(1)(C)) is amended—

(1) by inserting after ''Secretary'', the first place it appears ''(or of an accreditation body approved pursuant to subsection (e))''; and

(2) by inserting after ''Secretary'', the second place it appears ''(or such accreditation body or certifying entity)''.

SEC. 9. ADJUSTMENT TO SEVERITY OF SANCTIONS.

Section 354(i)(2)(A) of the Public Health Service Act (42 U.S.C. 263b(i)(2)(A)) is amended by striking ''makes the finding'' and all that follows and inserting the following: ''has reason to believe that the circumstance of the case will support one or more of the findings described in paragraph (1) and that—

''(i) the failure or violation was intentional, or

''(ii) the failure or violation presents a serious risk to human health.''.

SEC. 10. TECHNICAL AMENDMENT.

Section 354(q)(4)(B) of the Public Health Service Act (42 U.S.C. 263b(q)(4)(B)) is amended by striking ''accredited'' and inserting ''certified''.

UNANIMOUS-CONSENT AGREEMENTS—S. 1216 AND S. 629

Mr. SESSIONS. I ask unanimous consent that S. 1216, as reported by the Finance Committee, be referred to the Commerce Committee for the consideration of matters within its jurisdiction for a period not to exceed 10 calendar days. I further ask consent if the bill is not reported at that time, the bill be immediately discharged and placed on the calendar.

I further ask unanimous consent that S. 629 be discharged from the Commerce Committee and that the bill then be referred to the Senate Finance Committee.

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

DAVID DYER FEDERAL COURTHOUSE

J. ROY ROWLAND COURTHOUSE

Mr. SESSIONS. Mr. President, I ask unanimous consent the Environmental and Public Works Committee be discharged from further consideration of the H.R. 1479 and H.R. 1484, and further, the Senate proceed to their consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1479) to designate the Federal building and United States courthouse located at 300 Northeast Frist Avenue in Miami, Florida, as the ''David W. Dyer Federal Building and United States Courthouse.''

A bill (H.R. 1484) to redesignate the United States courthouse located at 100 Franklin Street in Dublin, Georgia, as the ''J. Roy Rowland United States Courthouse.''

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

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

Mr. SESSIONS. Mr. President, I further ask unanimous consent the bills be read the third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bills (H.R. 1479 and H.R. 1484) were passed.

AMENDING THE NATIONAL DEFENSE AUTHORIZATION ACT

Mr. SESSIONS. I ask unanimous consent the Senate now proceed to consideration of S. 1507, introduced earlier today by Senator THURMOND.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1507) to amend the National Defense Authorization Act for fiscal year 1998 to make certain technical corrections.

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

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

Mr. SESSIONS. I ask unanimous consent that bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1507) was read the third time and passed, as follows:

S. 1507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS.

(a) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—(1) Section 2302c(a)(1) of title 10, United States Code, is amended by inserting ''of section 2303(a) of this title'' after ''paragraphs (1), (5) and (6)''.

(2) The amendment made by paragraph (1) shall take effect as if included in the amendment to section 2302c of title 10, United States Code, made by section 850(f)(3)(A) of the National Defense Authorization Act for Fiscal Year 1998 to which the amendment made by paragraph (1) relates.

(b) COMMEMORATION OF 50TH ANNIVERSARY OF KOREAN CONFLICT.—(1) Section 1083(f) of the National Defense Authorization Act for Fiscal Year 1998 is amended by striking out ''$100,000'' and inserting in lieu thereof ''$1,000,000''.

(2) the amendment made by paragraph (1) shall take effect as if included in the provisions of the National Defense Authorization Act for Fiscal Year 1998 to which such amendment relates.

AMENDING SECTION 3165 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 1511, introduced earlier today by Senator THURMOND.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1511) to amend section 3165 of the National Defense Authorization Act for fiscal year 1998 to clarify the authority in the section.

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

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

Mr. SESSIONS. I ask unanimous consent that the bill be deemed read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (S. 1511) was deemed read the third time, and passed, as follows:

S. 1511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF AUTHORITY.

(a) CLARIFICATION.—Section 3165 of the National Defense Authorization Act of Fiscal Year 1998 is amended—

(1) in subsection (b)(1), by striking out ''under the jurisdiction'' and all that follows through ''Los Alamos National Laboratory'' and inserting in lieu thereof ''under the jurisdiction or administrative control of the Secretary at or in the vicinity of Los Alamos National Laboratory''; and

(2) in subsection (e), by striking out '', the Secretary of the Interior'' and all that follows through the end and inserting in lieu thereof ''but not later than 90 days after the submittal of the report under subsection (d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo the parcels identified for conveyance or transfer under subsection (b).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the provisions of section 3165 of the National Defense Authorization Act for Fiscal Year 1998 to which such amendments relate.

ELIGIBLE TELECOMMUNICATIONS CARRIERS ACT OF 1997

Mr. SESSIONS. I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 289, S. 1354.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1354) to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

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

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, the motion to reconsider laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (S. 1354) was considered read the third time, and passed, as follows:

S. 1354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF COMMUNICATIONS ACT OF 1934.

Section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) is amended—

(1) by striking ''(2) or (3)'' in paragraph (1) and inserting ''(2), (3), or (6)'';

(2) by striking ''interstate services,'' in paragraph (3) and inserting ''interstate services or an area served by a common carrier to which paragraph (6) applies,'';

(3) by inserting ''(or the Commission in the case of a common carrier designated under paragraph (6))'' in paragraph (4) after ''State commission'' each place such term appears;

(4) by inserting ''(or the Commission under paragraph (6))'' in paragraph (5) after ''State commission''; and

(5) by inserting after paragraph (5) the following:

''(6) COMMON CARRIERS NOT SUBJECT TO STATE COMMISSION JURISDICTION.—In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.''.

DISTRIBUTION OF JUDGMENT FUNDS OF THE OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1604 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan, pursuant to dockets 18–E, 58, 364, and 18–R before the Indian Claims Commission.

AMENDMENTS NOS. 1625 AND 1627, EN BLOC

Mr. SESSIONS. Mr. President, I send two amendments, en bloc, to the desk on behalf of Mr. MURKOWSKI and Mr. INOUYE and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI and Mr. INOUYE, proposes amendments numbered 1625 and 1627, en bloc.

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

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

The amendments are as follows:

AMENDMENT NO. 1625

(Purpose: To limit the number of health care contracts and compacts that the Indian Health Service may execute for the Ketchikan Gateway Borough)

At the appropriate place, insert:

SECTION 1. FINDINGS.

Congress finds that—

(1) the execution of more than 1 contract or compact between an Alaska native village or regional or village corporation in the Ketchikan Gateway Borough and the Secretary to provide for health care services in an area with a small population leads to duplicative and wasteful administrative costs; and

(2) incurring the wasteful costs referred to in paragraph (1) leads to decrease in the quality of health care that is provided to Alaska Natives in an affected area.

SECTION 2. DEFINITIONS.

In this Act:

(1) ALASKA NATIVE.—The term ''Alaska Native'' has the meaning given the term ''Native'' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) ALASKA NATIVE VILLAGE OR REGIONAL OR VILLAGE CORPORATION.—The term ''Alaska native village or regional or village corporation'' means an Alaska native village or regional or village corporation defined in, or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(3) CONTRACT; COMPACT.—The terms ''contract'' and ''compact'' mean a self-determination contract and a self-governance compact as these terms are defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et. seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 3. LIMITATION.

(a) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that, in considering a renewal of a contract or compact, or signing of a new contract or compact for the provision of health care services in the Ketchikan Gateway Borough, there will be only one contract or compact in effect.

(b) CONSIDERATION.—In any case in which the Secretary, acting though the Director of the Indian Health Service, is required to select from more than 1 application for a contract or compact described in subsection (a), in awarding the contract or compact, the Secretary shall take into consideration—

(1) the ability and experience of the applicant;

(2) the potential for the applicant to acquire and develop the necessary ability; and

(3) the potential for growth in the health care needs of the covered borough.

AMENDMENT NO. 1627

(Purpose: To provide for a technical correction to Section 2 concerning the Sault Ste. Marie)

On page 2, line 7, of Section 2, delete the word ''Tribe'' and insert the word ''Band''.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 1625 and 1627) were agreed to.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill, as amended, be considered read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD at the appropriate place.

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

The bill (H.R. 1604), as amended, was considered read the third time, and passed.

TELEMARKETING FRAUD PREVENTION ACT OF 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 206, H.R. 1847.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1847) to improve the criminal law relating to fraud against consumers.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telemarketing Fraud Prevention Act of 1997''.

SEC. 2. CRIMINAL FORFEITURE OF FRAUD PROCEEDS.

Section 982 of title 18, United States code, is amended—

(1) in subsection (a)—

(A) by redesignating the second paragraph designated as paragraph (6) as paragraph (7); and

(B) by adding at the end the following:

''(8) The Court, in sentencing a defendant convicted of an offense under section 1028, 1029, 1341, 1342, 1343, or 1344, or of a conspiracy to commit such an offense, if the offense involves telemarketing (as that term is defined in section 2325), shall order that the defendant forfeit to the United States any real or personal property—

''(A) used or intended to be used to commit, to facilitate, or to promote the commission of such offense; and

''(B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offense.''; and

(2) in subsection (b)(1)(A), by striking ''(a)(1) or (a)(6)'' and inserting ''(a)(1), (a)(6), or (a)(8)''.

SEC. 3. PENALTY FOR TELEMARKETING FRAUD.

Section 2326 of title 18, United States Code, is amended by striking ''may'' each place it appears and inserting ''shall''.

SEC. 4. ADDITION OF CONSPIRACY OFFENSES TO SECTION 2326 ENHANCEMENT.

Section 2326 of title 18, United States Code, is amended by inserting '', or a conspiracy to commit such an offense,'' after ''or 1344''.

SEC. 5. CLARIFICATION OF MANDATORY RESTITUTION.

Section 2327 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''for any offense under this chapter'' and inserting ''to all victims of any offense for which an enhanced penalty is provided under section 2326''; and

(2) by striking subsection (c) and inserting the following:

''(c) VICTIM DEFINED.—In this section, the term 'victim' has the meaning given that term in section 3663A(a)(2).''.

SEC. 6. AMENDMENT OF FEDERAL SENTENCING GUIDELINES.

(a) DEFINITION OF TELEMARKETING.—In this section, the term ''telemarketing'' has the meaning given that term in section 2326 of title 18, United States Code.

(b) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall—

(1) promulgate Federal sentencing guidelines or amend existing sentencing guidelines (and policy statements, if appropriate) to provide for substantially increased penalties for persons convicted of offenses described in section 2326 of title 18, United States Code, as amended by this Act, in connection with the conduct of telemarketing;

(2) submit to Congress an explanation of each action taken under paragraph (1) and any additional policy recommendations for combating the offenses described in that paragraph.

(c) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the guidelines and policy statements promulgated or amended pursuant to subsection (b)(1) and any recommendations submitted thereunder reflect the serious nature of the offenses;

(2) provide an additional appropriate sentencing enhancement if offense involved sophisticated means, including but not limited to sophisticated concealment efforts, such as perpetrating the offense from outside the United States;

(3) provide an additional appropriate sentencing enhancement for cases in which a large number of vulnerable victims, including but not limited to victims described in section 2326(2) of title 18, United States Code, are affected by a fraudulent scheme or schemes;

(4) ensure that guidelines and policy statements promulgated or amended pursuant to subsection (b)(1) are reasonably consistent with other relevant statutory directives to the Commission and with other guidelines;

(5) account for any aggravating or mitigating circumstances that might justify upward or downward departures;

(6) ensure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code; and

(7) take any other action the Commission considers necessary to carry out this section.

(d) EMERGENCY AUTHORITY.—The Commission shall promulgate the guidelines or amendments provided for under this subsection as soon as practicable, and in any event not later than 120 days after the date of enactment of the Telemarketing Fraud Prevention Act of 1997, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that authority had not expired, except that the Commission shall submit to Congress the emergency guidelines or amendments promulgated under this section, and shall set an effective date for those guidelines or amendments not earlier than 30 days after their submission to Congress.

AMENDMENT NO. 1628

(Purpose: To prohibit false advertising or misuse of a name to indicate the United States Marshals Service)

Mr. SESSIONS. Mr. President, I send an amendment to the desk on behalf of Mr. LEAHY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. LEAHY, proposes an amendment numbered 1628.

Mr. SESSIONS. Mr. President, I ask unanimous consent that 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 the following new section:

SEC. . FALSE ADVERTISING OR MISUSE OF NAME TO INDICATE UNITED STATES MARSHALS SERVICE.

Section 709 of title 18, United States Code, is amended by inserting after the thirteenth undesignated paragraph the following:

''Whoever, except with the written permission of the Director of the United States Marshals Service, knowingly uses the words 'United States Marshals Service', 'U.S. Marshals Service', 'United States Marshal', 'U.S. Marshal', 'U.S.M.S.' or any colorable imitation of any such words, or the likeness of the United States Marshals Service badge, logo, or insignia on any item of apparel, in connection with any advertisement, circular, book, pamphlet, software, or other publication, or any play, motion picture, broadcast, telecast, or other production, in a manner that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the United States Marshals Service, or to convey the impression that such advertisement, circular, book, pamphlet, software, or other publication, or such play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the United States Marshals Service;''.

Mr. LEAHY. Mr. President, I am glad to support this measure with my amendment to prevent the misuse of the name and likeness of the U.S. Marshals Service.

The U.S. Marshals Service is the Nation's oldest Federal law enforcement agency. Since 1789, U.S. marshals have served the country through a variety of vital law enforcement activities, such as the protection of Federal judicial officials, the apprehension of Federal fugitives, and the transportation of Federal prisoners. Today, approximately 4,000 deputy U.S. marshals and career employees perform these important services across the Nation. I receive frequent reports about the day-to-day activities of the Service from Vermont's U.S. marshal, Jack Rouille, who has been a model public servant and has been a linchpin of coordination for Federal and local law enforcement agencies in Vermont.

The amendment I have offered will assist the Marchals Service by amending 18 U.S.C. 709—the part of the U.S. Code that deals with misuse of names to indicate Federal agencies—to include the Marshals Service among the Federal agencies whose name and likeness are protected from imitation on items of apparel or in connection with any commercial enterprise.

At present, the name and likeness of many other Federal law enforcement agencies are protected under law. For instance, the name and likeness of the Federal Bureau of Investigation [FBI], Secret Service, and Drug Enforcement Agency [DEA] are protected under 18 u.S.C. 709. Moreover, the name and likeness of several non-law enforcement agencies are protected under law. For example, the name and likeness of the Federal Deposit Insurance Corporation, the National Credit Union, the Federal Home Loan Bank, the Overseas Private Investment Corporation, and

the U.S. Mint, to name a few, are protected under 18 U.S.C. 709.

The lack of protection for the Marshals Service has generated serious security concerns. At a minimum, the public may be falsely lead to believe that the Marshals Service approves or endorses an unauthorized product. Even more problematic is the possibility that unauthorized individuals may wear apparel to look like marshals to effectuate criminal purposes or to gain undesired access to secured areas such as courtrooms or witness security facilities.

Recent cases highlight the need for this amendment:

In 1994, an individual dressed in full marshal ''swat team'' apparel and in possession of a loaded weapon made a series of presentations to a group of students at a local high school in Virginia.

An organization known as the United States Marshals and Peace Officers Association of America markets home security systems. Its advertisements use a replica of the Marshals Service badge, implying government endorsement of the organization and its product. The organization is not endorsed or authorized by the Marshals Service.

A Texas company offers bullet-resistant panels as an alternative home protection system. The company advertises that these bullet-proof panels are approved by the Marshals Service. This product is not officially endorsed by the Marshals Service.

While the amendment that I am introducing would protect the Marshals Service against these illegitimate uses of its name and likeness, the amendment is purposely limited in its scope. Specifically, this amendment would not prevent the use of the name or likeness in those instances where the use would not be reasonably calculated to convey the impression that either, first, the wearer of the item of apparel with the name or likeness is acting pursuant to legal authority; or, second, the use is approved, endorsed, or authorized by the Marshals Service.

Thus, for example, there was a case brought before the Patent Office Trademark Trial and Appeal Board in 1971 in which a French clothing manufacturer used the initials FBI in conjunction with the words ''Fabrication Bril International'' on clothing. The Trial and Appeal Board ruled that the law did not create an absolute prohibition against the use of the initials FBI, but was applicable only in those cases in which the initials were used in a manner reasonably calculated to convey a mistaken impression that the item of clothing was approved, endorsed, or authorized by the FBI. In that case, the Board ruled, there was little chance that anyone would think that the clothing was approved, endorsed, or authorized by the FBI, hence there was no violation of the statute.

In a case of political satire, the use of the Marshals Service name or likeness would almost always be permissible. In such instances, there would be little chance that any reasonable person would think that the satirist was acting pursuant to legal authority. This amendment should not interfere with the Capitol Steps or other satirists. As the court stated in Cliff Notes versus Bantam Doubleday Dell Pub. Group in 1989, trademark law courts have uniformly ruled that noncommercial parodies and satires do not infringe legitimate trademarks because there is little chance of confusion as to sponsorship.

Allowing unauthorized individuals to pose as Marshals Service officials or allowing unauthorized individuals to use the name in a manner that mistakenly conveys the impression that the use is sanctioned by the Marshals Service is an affront to those who legitimately and nobly serve under its banner and wear its badge. For this reason, I am delighted that the Senate has accepted this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1628) was agreed to.

AMENDMENT NO. 1629

(Purpose: To combat telemarketing fraud through reasonable disclosure of certain records for telemarketing investigations)

Mr. SESSIONS. Mr. President, I send an amendment to the desk on behalf of Mr. HARKIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. HARKIN, proposes an amendment numbered 1629.

Mr. SESSIONS. Mr. President, I ask unanimous consent that 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, add the following:

SEC. . DISCLOSURE OF CERTAIN RECORDS FOR INVESTIGATIONS OF TELEMARKETING FRAUD.

Section 2703(c)(1)(B) of title 18, United States Code, is amended—

(1) by striking out ''or'' at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof ''; or''; and

(3) by adding at the end the following:

''(iv) submits a formal written request relevant to law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is in section 2325 of this title.''.

Mr. HARKIN. Mr. President, Every year thousands of Americans are victimized by fraudulent telemarketing promotions. And, unfortunately, these scam artists prey most often on our senior citizens. The losses every year are estimated to be in the billions of dollars. My amendment will help law enforcement to more effectively combat these abuses.

Today, it's all to easy for telemarketing rip-off artists to profit from the current system. How do these rip-offs occur? Advertisements regarding sweepstakes, contests, loans, credit reports and other promotions appear in newspapers, magazines, and other direct mail and telephone solicitations. The operators of many of these phoney promotions set up telephone boiler rooms for a few months in which a number of phones are operated to receive calls responding to their ads. They steal thousands—even millions—of dollars from innocent victims and then they simply disappear. They take the money and run—moving on to another location to start all over again.

Here's just one example. Not too long ago, 30,000 Iowans received postcards from an organization calling itself Sweepstakes International, Inc. The postcard enticed recipients to call a 900-number and they were charged $9.95 on their phone bill.

Based on a Postal Service investigation, civil action was initiated in U.S. District Court in Iowa. As a result, the promotion was halted and $1.7 million was frozen. This represented just one and a half month's revenue from the scam!

My amendment will protect telemarketing victims by providing law enforcement the authority to more quickly obtain the name, address, and physical location of businesses suspected of telemarketing fraud. Phone companies would have to provide law enforcement officials ONLY the name, address and physical location of a telemarketing business holding a phone number if the officials submitted a formal written request for this information relevant to a legitimate law enforcement investigation. It will make it easier for officers to identify and locate these operations. This is similar to the procedure that is already in place for post office box investigations.

Mr. President, it is necessary to crack down on serious consumer fraud. With this change, we will have many more successful efforts to shut down these rip-off artists like several recent cases in my home state of Iowa.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1629) was agreed to.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be considered read the third time, and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The committee amendment was agreed to.

The bill (H.R. 1847), as amended, was considered read the third time, and passed.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1998

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate receives House Joint Resolution 104 regarding continuing funding for the Government, that the joint resolution be considered read a third time and passed, the motion to reconsider be laid upon the table, and Senator ENZI be authorized to sign enrolled legislation.

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

The clerk will report.

A joint resolution (H.J. Res. 104) making further continuing appropriations for the fiscal year 1998, and for other purposes.

The PRESIDING OFFICER. The joint resolution is passed. The joint resolution (H.J. Res. 104) was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 2513

Mr. SESSIONS. Mr. President, I understand that H.R. 2513 is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2513) to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives, and for other purposes.

Mr. SESSIONS. I now ask for its second reading, and object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

SENIOR CITIZEN HOME EQUITY PROTECTION ACT

Mr. SESSIONS. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 562) to amend section 255 of the National Housing Act of to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 562) entitled ''An Act to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Housing Programs Extension Act of 1997''.

TITLE I—SENIOR CITIZEN HOME EQUITY PROTECTION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Senior Citizen Home Equity Protection Act''.

SEC. 102. DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.

Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

''(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and'';

(2) in paragraph (9)(F), by striking ''and'';

(3) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services.''.

SEC. 103. IMPLEMENTATION.

(a) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by section 102 in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under subsection (b).

(b) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by section 102. Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section).

TITLE II—TEMPORARY EXTENSION OF PUBLIC HOUSING AND SECTION 8 RENTAL ASSISTANCE PROVISIONS

SEC. 201. PUBLIC HOUSING CEILING RENTS AND INCOME ADJUSTMENTS AND PREFERENCES FOR ASSISTED HOUSING.

Section 402(f) of The Balanced Budget Downpayment Act, I (42 U.S.C. 1437aa note) is amended by striking ''and 1997'' and inserting '', 1997, and 1998''.

SEC. 202. PUBLIC HOUSING DEMOLITION AND DISPOSITION.

Section 1002(d) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995 (42 U.S.C. 1437c note) is amended by striking ''September 30, 1997'' and inserting ''September 30, 1998''.

SEC. 203. PUBLIC HOUSING FUNDING FLEXIBILITY AND MIXED-FINANCE DEVELOPMENTS.

Section 201(a)(2) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134)) (42 U.S.C. 1437l note) is amended by striking ''fiscal year 1997'' and inserting ''fiscal year 1998''.

SEC. 204. MINIMUM RENTS.

Section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 40) is amended in the matter preceding paragraph (1) by striking ''fiscal year 1997'' and inserting ''fiscal years 1997 and 1998''.

SEC. 205. PROVISIONS RELATING TO SECTION 8 RENTAL ASSISTANCE PROGRAM.

(a) TAKE-ONE-TAKE-ALL, NOTICE REQUIREMENTS, AND ENDLESS LEASE PROVISIONS.—Section 203(d) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134)) (42 U.S.C. 1437f note) is amended by striking ''and 1997'' and inserting '', 1997, and 1998''.

(b) FAIR MARKET RENTALS.—The first sentence of section 403(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 43) is amended by striking ''fiscal year 1997'' and inserting ''fiscal years 1997 and 1998''.

TITLE III—REAUTHORIZATION OF FEDERALLY ASSISTED MULTIFAMILY RENTAL HOUSING PROVISIONS

SEC. 301. MULTIFAMILY HOUSING FINANCE PILOT PROGRAMS.

Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (b)(5), by inserting before the period at the end of the first sentence the following: '', and not more than an additional 15,000 units during fiscal year 1998''; and

(2) in the first sentence of subsection (c)(4)—

(A) by striking ''and'' and inserting a comma; and

(B) by inserting before the period at the end the following: '', and not more than an additional 15,000 units during fiscal year 1998''.

SEC. 302. HUD DISPOSITION OF MULTIFAMILY HOUSING.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended by inserting after ''owned by the Secretary'' the following: '', including the provision of grants and loans from the General Insurance Fund for the necessary costs of rehabilitation or demolition,''.

SEC. 303. MULTIFAMILY MORTGAGE AUCTIONS.

Section 221(g)(4)(C) of the National Housing Act (12 U.S.C. 1715l(g)(4)(C)) is amended—

(1) in the first sentence of clause (viii), by striking ''September 30, 1996'' and inserting ''December 31, 2005''; and

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

''(ix) Subject to the limitation in clause (x), the costs of any multifamily auctions under this subparagraph occurring during any fiscal year shall be paid from amounts in the General Insurance Fund established under section 519.

''(x) This authority of the Secretary to conduct multifamily auctions under this subparagraph shall be effective for any fiscal year only to the extent or in such amounts that amounts in the General Insurance Fund are or have been approved in appropriation Acts for costs of such auctions occurring during such fiscal year.''.

SEC. 304. INTEREST REDUCTION PAYMENTS IN CONNECTION WITH SALES OF SECTION 236 MORTGAGES HELD BY HUD.

Section 236 of the National Housing Act (12 U.S.C. 1715z–1) is amended—

(1) in the first sentence of subsection (b), by inserting before the colon at the end of the first proviso the following: ''and when the mortgage is assigned or otherwise transferred to a subsequent holder or purchaser (including any successors and assignees)''; and

(2) in subsection (c)—

(A) by inserting ''(1)'' after the subsection designation; and

(B) by adding at the end the following new paragraphs:

''(2)(A) The Secretary may continue to make interest reduction payments to the holder or purchaser (including any successors and assignees) of a mortgage formerly held by the Secretary upon such terms and conditions as the Secretary may determine. In exercising the authority under the preceding sentence, upon cancellation of any contract for such interest reduction payments as a result of foreclosure or transfer of a deed in lieu of foreclosure, any

amounts of budget authority which would have been available for such contract, absent cancellation, shall remain available for the project for the balance of the term of the original mortgage upon such terms and conditions as the Secretary may determine.

''(B) The Secretary may exercise the authority to make payments under this paragraph (i) only with respect to mortgage loans under this section which, at the time of the Secretary's assignment or other transfer, have a total amount of unpaid principal obligation of not more than $92,000,000, and (ii) only to the extent or in such amounts as are or have been provided in advance in appropriation Acts.

''(3) Notwithstanding subsection (i)(2) or any other provision of law, in connection with the sale of mortgages held by the Secretary, the Secretary may establish appropriate terms and conditions, based on section 42 of the Internal Revenue Code of 1986 or another appropriate standard, for determining eligibility for occupancy in the project and rental charges.''.

SEC. 305. ASSIGNMENT OF REGULATORY AGREEMENTS IN CONNECTION WITH SALES OF MORTGAGES HELD BY HUD.

Section 203(k) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(k)) is amended by adding at the end the following new paragraph:

''(7) ASSIGNMENT OF REGULATORY AGREEMENT IN CONNECTION WITH SALE OF MORTGAGES.—Notwithstanding any other provision of law, and upon such terms and conditions as the Secretary may prescribe, the Secretary may, in connection with the sale of mortgages held by the Secretary, provide for the assumption of all rights and responsibilities under the regulatory agreement executed by or for the benefit of the Secretary. Such assumption shall further provide for the regulatory agreement to be so assumed by any successor or assignee of the initial assuming entity. Such regulatory agreement shall continue to be binding upon the mortgagor and its successors and assignees.''.

TITLE IV—REAUTHORIZATION OF RURAL HOUSING PROGRAMS

SEC. 401. HOUSING IN UNDERSERVED AREAS PROGRAM.

The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking ''fiscal year 1997'' and inserting ''fiscal years 1997, 1998, and 1999''.

SEC. 402. HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES AND OTHER LOW-INCOME PERSONS AND FAMILIES.

(a) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking ''September 30, 1997'' and inserting ''September 30, 1999''.

(b) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking ''fiscal year 1997'' and inserting ''fiscal years 1997, 1998, and 1999''.

SEC. 403. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (q), by striking paragraph (2) and inserting the following:

''(2) ANNUAL LIMITATION ON AMOUNT OF LOAN GUARANTEE.—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such amount as may be provided in appropriation Acts for such fiscal year.'';

(2) by striking subsection (t) and inserting the following:

''(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1998 and 1999 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year.''; and

(3) in subsection (u), by striking ''1996'' and inserting ''1999''.

TITLE V—REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PROGRAM

SEC. 501. PROGRAM EXPIRATION.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking ''September 30, 1997'' and inserting ''September 30, 1999''.

SEC. 502. BORROWING AUTHORITY.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)) is amended by striking ''September 30, 1997'' and inserting ''September 30, 1999''.

SEC. 503. EMERGENCY IMPLEMENTATION OF PROGRAM.

Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking ''September 30, 1996'' and inserting ''September 30, 1999''.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS FOR STUDIES.

Subsection (c) of section 1376 of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)) is amended to read as follows:

''(c) For studies under this title, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999, which shall remain available until expended.''.

Amend the title so as to read: ''An Act to provide for the temporary extension of certain programs relating to public housing, to reauthorize certain programs relating to housing assistance, and to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, and for other purposes.''.

AMENDMENT NO. 1630

Mr. SESSIONS. Mr. President, I move that the Senate concur in the amendments of the House with a further amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. D'AMATO, proposes an amendment numbered 1630.

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

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

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

Mr. D'AMATO. Mr. President, I rise to support immediate passage of the ''Senior Citizen Home Equity Protection Act'' (S. 562). This legislation contains essential provisions which are urgently required to protect our senior citizens from further exploitation by fraudulent operators who are manipulating the Department of Housing and Urban Development's (HUD) home equity conversion mortgage program. The bill also contains a number of housing and flood insurance program reauthorizations and technical corrections which are needed to ensure the effective and efficient continuation of existing programs.

The Senior Citizen Home Equity Protection Act, which I introduced on April 10, 1997, was originally passed by the Senate on April 25, 1997. It seeks to prevent unscrupulous middlemen, posing as ''estate planners'', from taking advantage of seniors by charging unnecessary and excessive fees to assist them in obtaining a home equity conversion mortgage. These predators have charged elderly homeowners fees ranging from 6 to 12 percent of the loan amount. Hundreds of very low-income seniors have been manipulated into paying several thousand dollars in return for ministerial and often meaningless services. HUD provides information on reverse mortgages at no charge.

These abuses must be halted at once. This bill provides two important safeguards to stop such exploitation. First, it provides a requirement that the mortgagor has received a full disclosure of all costs of obtaining the mortgage, including any costs of estate planning, financial advice or other related services. Second, it clarifies that the HUD Secretary has authority to impose restrictions to ensure that the mortgagor is not charged any unnecessary or excessive costs for obtaining a reverse mortgage.

This legislation also provides temporary extensions of certain public and assisted housing policy reforms which have been previously extended in VA-HUD appropriations legislation since Fiscal Year 1996. An owner's right to prepay a Federal Housing Administration-insured multifamily mortgage, subject to certain conditions, is clarified.

The bill reauthorizes several federally assisted multifamily rental housing programs under the jurisdiction of HUD and the Rural Housing Service of the Department of Agriculture. Such extensions will assure that much needed rental programs for low-income families continue in an uninterrupted fashion. The National Flood Insurance Program, which is vital for our homeowners residing in floodplain and coastal areas, is also reauthorized.

Last fall, Congress passed the Native American Housing Assistance and Self-Determination Act of 1996. The legislation presented before you today makes technical and conforming changes to ensure the effective implementation of that Act.

I would like to commend Senator Connie MACK, Chairman of the Banking Committee's Subcommittee on Housing Opportunity and Community Development, for his leadership in the development of this legislation. I applaud Senator MACK, Ranking Minority Member Paul SARBANES and Subcommittee Ranking Minority Member John KERRY for their fine stewardship of housing and community development programs under the Banking Committee's jurisdiction.

Mr. President, S. 562 should be law by now. By delaying action on the bill for 5 months, the House of Representatives has left our senior citizens unprotected and vulnerable to predatory practices—and for no reason other than to engage in parliamentary gamesmanship. Mr. President, I cannot condone this delay.

I urge the House of Representatives to pass this bill, which now contains additional provisions the House has insisted upon. There is no opposition to this bill to my knowledge.

I respectfully urge the Senate and the House of Representatives to grant passage of this bill before adjournment. It is imperative that we ensure that our nation's most vulnerable homeowners are no longer victimized. Without final passage of this bill, our very low-income elderly homeowners may continue to be preyed upon. I ask for immediate support of this vital legislation.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

50 STATES COMMEMORATIVE COIN PROGRAM ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of calendar No. 244, S. 1128.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1228) to provide a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to insert the part printed in italic:

S. 1228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''50 States Commemorative Coin Program Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is appropriate and timely—

(A) to honor the unique Federal republic of 50 States that comprise the United States; and

(B) to promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography, and the rich diversity of the national heritage;

(2) the circulating coinage of the United States has not been modernized during the 25-year period preceding the date of enactment of this Act;

(3) a circulating commemorative 25-cent coin program could produce earnings of $110,000,000 from the sale of silver proof coins and sets over the 10-year period of issuance, and would produce indirect earnings of an estimated $2,600,000,000 to $5,100,000,000 to the United States Treasury, money that will replace borrowing to fund the national debt to at least that extent; and

(4) it is appropriate to launch a commemorative circulating coin program that encourages young people and their families to collect memorable tokens of all of the States for the face value of the coins.

SEC. 3. ISSUANCE OF REDESIGNED QUARTER DOLLARS OVER 10-YEAR PERIOD COMMEMORATING EACH OF THE 50 STATES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (k) the following new subsection:

''(l) REDESIGN AND ISSUANCE OF QUARTER DOLLAR IN COMMEMORATION OF EACH OF THE 50 STATES.—

''(1) REDESIGN BEGINNING IN 1999.—

''(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), quarter dollar coins issued during the 10-year period beginning in 1999, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the 50 States.

''(B) TRANSITION PROVISION.—Notwithstanding subparagraph (A), the Secretary may continue to mint and issue quarter dollars in 1999 which bear the design in effect before the redesign required under this subsection and an inscription of the year '1998' as required to ensure a smooth transition into the 10-year program under this subsection.

''(2) SINGLE STATE DESIGNS.—The design on the reverse side of each quarter dollar issued during the 10-year period referred to in paragraph (1) shall be emblematic of 1 of the 50 States.

''(3) ISSUANCE OF COINS COMMEMORATING 5 STATES DURING EACH OF THE 10 YEARS.—

''(A) IN GENERAL.—The designs for the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1) shall be emblematic of 5 States selected in the order in which such States ratified the Constitution of the United States or were admitted into the Union, as the case may be.

''(B) NUMBER OF EACH OF 5 COIN DESIGNS IN EACH YEAR.—Of the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1), the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the 5 designs selected for such year.

''(4) SELECTION OF DESIGN.—

''(A) IN GENERAL.—Each of the 50 designs required under this subsection for quarter dollars shall be—

''(i) selected by the Secretary after consultation with—

''(I) the Governor of the State being commemorated, or such other State officials or group as the State may designate for such purpose; and

''(II) the Commission of Fine Arts; and

''(ii) reviewed by the Citizens Commemorative Coin Advisory Committee.

''(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

''(C) PARTICIPATION.—The Secretary may include participation by State officials, artists from the States, engravers of the United States Mint, and members of the general public.

''(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

''(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

''(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(6) ISSUANCE.—

''(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

''(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

''(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

''(7) APPLICATION IN EVENT OF THE ADMISSION OF ADDITIONAL STATES.—If any additional State is admitted into the Union before the end of the 10-year period referred to in paragraph (1), the Secretary of the Treasury may issue quarter dollar coins, in accordance with this subsection, with a design which is emblematic of such State during any 1 year of such 10-year period, in addition to the quarter dollar coins issued during such year in accordance with paragraph (3)(A).''.

SEC. 4. UNITED STATES DOLLAR COINS.

(a) SHORT TITLE.—This section may be cited as the ''United States $1 Coin Act of 1997''.

(b) WEIGHT.—Section 5112(a)(1) of title 31, United States Code, is amended by striking ''and weighs 8.1 grams''.

(c) COLOR AND CONTENT.—Section 5112(b) of title 31, United States Code, is amended—

(1) in the first sentence, by striking ''dollar,''; and

(2) by inserting after the fourth sentence the following: ''The dollar coin shall be golden in color, have a distinctive edge, have tactile and visual features that make the denomination of the coin readily discernible, be minted and fabricated in the United States, and have similar metallic, anti-counterfeiting properties as United States clad coinage in circulation on the date of enactment of the United States $1 Coin Act of 1997.''.

(d) DESIGN.—Section 5112(d)(1) of title 31, United States Code, is amended by striking the fifth and sixth sentences and inserting the following: ''The Secretary of the Treasury, in consultation with the Congress, shall select appropriate designs for the obverse and reverse sides of the dollar coin.''.

(e) PRODUCTION OF NEW DOLLAR COINS.—

(1) IN GENERAL.—Upon the depletion of the Government's supply (as of the date of enactment of this Act) of $1 coins bearing the likeness of Susan B. Anthony, the Secretary of the Treasury shall place into circulation $1 coins that comply with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by this section.

(2) AUTHORITY OF SECRETARY TO CONTINUE PRODUCTION.—If the supply of $1 coins bearing the likeness of Susan B. Anthony is depleted before production has begun of $1 coins which bear a design which complies with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by this section, the Secretary of the Treasury may continue to mint and issue $1 coins bearing the likeness of Susan B. Anthony in accordance with that section 5112 (as in effect on the day before the date of enactment of this Act) until such time as production begins.

(3) NUMISMATIC SETS.—The Secretary may include such $1 coins in any numismatic set produced by the United States Mint before the date on which the $1 coins authorized by this section are placed in circulation.

(f) MARKETING PROGRAM.—

(1) IN GENERAL.—Before placing into circulation $1 coins authorized under this section, the Secretary of the Treasury shall adopt a program to promote the use of such coins by commercial enterprises, mass transit authorities, and Federal, State, and local government agencies.

(2) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study on the progress of the marketing program adopted in accordance with paragraph (1).

(3) REPORT.—Not later than March 31, 2001, the Secretary of the Treasury shall submit a report to the Congress on the results of the study conducted pursuant to paragraph (2).

SEC. 5. FIRST FLIGHT COMMEMORATIVE COINS.

(a) COIN SPECIFICATIONS.—

(1) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this section referred to as the ''Secretary'') shall mint and issue the following coins:

(A) $10 GOLD COINS.—Not more than 100,000 $10 coins, each of which shall—

(i) weigh 16.718 grams;

(ii) have a diameter of 1.06 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) $1 SILVER COINS.—Not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(C) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins each of which shall—

(i) weigh 11.34 grams;

(ii) have a diameter of 1.205 inches; and

(iii) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this section shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) SOURCES OF BULLION.—The Secretary shall obtain gold and silver for minting coins under this section pursuant to the authority of the Secretary under other provisions of law, including authority relating to the use of silver stockpiles established under the Strategic and Critical Materials Stockpiling Act, as applicable.

(d) DESIGN OF COINS.—

(1) DESIGN REQUIREMENTS.—

(A) IN GENERAL.—The design of the coins minted under this section shall be emblematic of the first flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

(B) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this section there shall be—

(i) a designation of the value of the coin;

(ii) an inscription of the year ''2003''; and

(iii) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(2) SELECTION.—The design for the coins minted under this section shall be—

(A) selected by the Secretary after consultation with the Board of Directors of the First Flight Foundation and the Commission of Fine Arts; and

(B) reviewed by the Citizens Commemorative Coin Advisory Committee.

(e) PERIOD FOR ISSUANCE OF COINS.—The Secretary may issue coins minted under this section only during the period beginning on August 1, 2003, and ending on July 31, 2004.

(f) SALE OF COINS.—

(1) SALE PRICE.—The coins issued under this section shall be sold by the Secretary at a price equal to the sum of—

(A) the face value of the coins;

(B) the surcharge provided in paragraph (4) with respect to such coins; and

(C) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(2) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this section at a reasonable discount.

(3) PREPAID ORDERS.—

(A) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this section before the issuance of such coins.

(B) DISCOUNT.—Sale prices with respect to prepaid orders under subparagraph (A) shall be at a reasonable discount.

(4) SURCHARGES.—All sales shall include a surcharge of—

(A) $35 per coin for the $10 coin;

(B) $10 per coin for the $1 coin; and

(C) $1 per coin for the half dollar coin.

(5) MARKETING EXPENSES.—The Secretary shall ensure that—

(A) a plan is established for marketing the coins minted under this section; and

(B) adequate funds are made available to cover the costs of carrying out that marketing plan.

(g) GENERAL WAIVER OF PROCUREMENT REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(2) EQUAL EMPLOYMENT OPPORTUNITY.—Paragraph (1) does not relieve any person entering into a contract under the authority of this section from complying with any law relating to equal employment opportunity.

(h) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this subsection shall be considered to be numismatic items.

(i) DISTRIBUTION OF SURCHARGES.—

(1) IN GENERAL.—Subject to section 5134 of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this section shall be promptly paid by the Secretary to the First Flight Foundation for the purposes of—

(A) repairing, refurbishing, and maintaining the Wright Brothers Monument on the Outer Banks of North Carolina; and

(B) expanding (or, if necessary, replacing) and maintaining the visitor center and other facilities at the Wright Brothers National Memorial Park on the Outer Banks of North Carolina, including providing educational programs and exhibits for visitors.

(2) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the First Flight Foundation as may be related to the expenditures of amounts paid under paragraph (1).

(j) FINANCIAL ASSURANCES.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this section will not result in any net cost to the United States Government.

AMENDMENT NO. 1631

(Purpose: To make a series of amendments)

Mr. SESSIONS. Mr. President, Senators D'AMATO and SARBANES have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS), for Mr. D'AMATO for himself and Mr. SARBANES, proposes an amendment numbered 1631.

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

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

The amendment is as follows:

On page 14, strike lines 4 through 10.

At the appropriate place, insert the following:

SEC. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to evidence any intention to eliminate or to limit the printing or circulation of United States currency in the $1 denomination.

Mr. BOND. With respect to the Manager's Amendment, I would like to ask the Senator to clarify his intent. As I understand the amendment regarding the dollar coin language, it is your intent, as chairman of the committee, and it is the intent of the Banking Committee that S. 1228, as amended, will not in any way restrict the continued printing and circulation of the dollar bill.

Mr. D'AMATO. That is correct. Moreover, when S. 1228, as amended, is adopted, this will similarly indicate the intent of Congress that the dollar bill shall continue to be printed and shall remain in circulation.

Mr. THOMPSON. There is a provision in the amended version of S. 1228 that I feel needs clarification. In setting the design parameters for the new dollar coin, the legislation makes clear that the coin should be golden in color, have a distinctive edge, and include other features to ensure that the coin is not confused with any existing coins. The last design parameter within the legislation states that the coin should have anticounterfeiting properties of coinage in circulation at the time of the bill's enactment. I ask the Senator, is this provision intended to require the Mint to use clad coin technology in the new dollar coin?

Mr. GRAMS. No, that provision is intended to be descriptive. The Mint is instructed to utilize anticounterfeiting technology.

Mr. COATS. I thank Senator GRAMS for his answer. Is this provision intended to limit the Mint's choice of technology in the development of the dollar coin? For instance, could the Mint choose a plated coin rather than a clad coin?

Mr. GRAMS. This provision is not intended to limit the U.S. Mint's use of technology or approach to design. We intend for the Mint to develop a dollar coin that meets the needs of the public and is not subject to counterfeiting. If the Mint believes that a plated coin will offer the best approach to meeting its needs, then a plated coin could be developed.

Mr. FRIST. Thus, it is not the Committee's intention to limit the Mint's flexibility, to require a certain coin technology or to limit competition among potential suppliers of coin blanks?

Mr. GRAMS. The Senator from Tennessee has stated the situation exactly. The Committee is directing the Mint to develop the best possible dollar coin. We have not sought to limit the Mint or require a clad coin.

Mr. FRIST. I thank the Senator for his answer.

Ms. MOSELEY-BRAUN. Mr. President, I am very pleased that the one dollar coin bill is a part of this legislation. I have long been a supporter of legislation authorizing the production of a new dollar coin, and was an original cosponsor of the dollar coin bill, which became part of this coin legislation.

Changing the currency or the coinage of the United States always involves an element of controversy. After all, virtually everyone uses money—every day. Americans are familiar with our currency and coinage, and they understandably and justifiably have opinions on whether to change it. There are a number of reasons, however, why this change is necessary.

Unfortunately, today's dollar is not worth what it once was. In fact, the dollar's value has declined by over a factor of four in just the last 35 years. When I was a teenager, you could get a hamburger, fries and a small coke at McDonald's for 42 cents. Now the cost is over $2. You could get a Chicago Tribune and a Chicago Sun-Times for 10 cents. Now the Tribune costs 50 cents and the Sun-Times 35 cents. I could go on and on, but the point is simple—inflation has made the dollar worth less than a quarter was when John F. Kennedy was President of the United States.

Perhaps the most telling illustration of the erosion of value of our currency and coinage is the fact that so many stores now have a ''penny'' dish in front of their cash registers—inviting their customers to take a penny or two or leave a penny or two to make their transactions come out to the nearest nickel. It is that kind of change in the value of money that led Great Britain to replace the one-pound note with a one-pound coin. And it is that fact that led Canada to replace its one-dollar bill with a one-dollar coin.

These foreign countries, and many others, understood that they needed to update their currency and coinage to fit present-day economic realities—and that need is no less real in this country. That is why I cosponsored this legislation, because I believe that updating our money to reflect current economic realities is long overdue. I think we should act carefully. I think the coin must be designed carefully. We need to learn from past mistakes, but we should not let those past mistakes keep us from taking the action that is necessary now.

Secondly, in many instances, a dollar coin would be more practical than a paper note. I'm sure we've all had a run-in with a balky dollar bill changer, one that simply won't take our dollar for a subway ride or a soft drink, no matter how many times we straighten the dollar.

Finally, the use of a dollar coin would save money. For example, the Chicago Transit Authority would save over $2 million annually, because coins are easier and less expensive to process than bills. Many manufacturers that serve the vending industry and coin-operated industry would also save money because it is less expensive to retrofit machines to accept dollar coins, than to add a dollar bill changer to machines.

However, the dollar coin we have currently, known as the ''Susan B. Anthony,'' lacks sufficient public acceptance to make it effective. This coin too closely resembles the quarter in appearance and texture. Moreover, according to the Mint, the supply of these coins is decreasing, and more would have to be minted within the next few years if the coin were not replaced. This legislation calls for the replacement of the Susan B. Anthony coin with a coin that is golden in color and smooth edged so that it is more easily differentiated from the quarter.

The Susan B. Anthony coin is, unfortunately, the only American currency in circulation that honors the achievements of a woman. Since the Susan B. Anthony coin will no longer be widely circulated, it is only appropriate that the design of this new coin depict a woman or women of historical significance. To that end, I believe that the new coin should depict the images of Sojourner Truth, Elizabeth Cady Stanton, Lucretia Mott and Susan B. Anthony. These four women were staunch abolitionists, and fought for equal rights for women. It is largely through their efforts that women have opportunities for higher education, the right to control their own property and children, the right to hold public office and the right to vote.

Three of these women, Elizabeth Cady Stanton, Lucretia Mott, and Susan B. Anthony, have been honored with a statue in the Capitol. This statue, however, was carved in 1921, and failed to include Sojourner Truth, the great abolitionist, feminist and preacher. This coin provides an excellent opportunity to recognize the contributions of Sojourner Truth, along with her fellow women's rights advocates.

Sojourner Truth was born into slavery in 1797 in New York State. Freed in 1827 under the New York State Emancipation Act, she spent the next 53 years preaching and lecturing about God, abolition and women's rights.

Sojourner Truth was an advocate of women's rights. She consistently supported equality among all people. In 1851, Sojourner Truth spoke at a Women's Rights Convention in Akron, Ohio. Despite widely voiced concerns by many of the white women in attendance that they did not want an African American speaking, potentially confusing and tarnishing their cause, Sojourner Truth rose to respond to male preachers who were denouncing women's rights based on the inherent frailty of women:

> I want to say a few words about this matter. I am a woman's rights. I have as much muscle as any man and can do as much work as any man. I have plowed and reaped and husked and chopped and mowed, and can any man do more than that? I have heard much about the sexes being equal; I can carry as much as any man, and can eat as much, too, if I can get it. I am as strong as any man that is now . . . Why, children, if you have woman's rights, give it to her and you will feel better. You will have your own rights, and they won't be so much trouble . . .

She inspired the Convention and women's rights advocates as she did all of her audiences.

Sojourner Truth dedicated her life to achieving equality. She considered herself to be on a sojourn to tell the truth, a sojourn directed by God. It would be a fitting tribute to Sojourner Truth and to the truth which she preached, to honor her by depicting her image on the dollar coin, along with her fellow women's rights crusaders, Elizabeth Cady Stanton, Lucretia Mott, and Susan B. Anthony.

Along with a number of my colleagues on the Senate Banking Committee, I filed additional views with the committee report of this legislation, indicating our support for the four suffragettes. We also intend to make our views known to Secretary Rubin, who has the authority to select the design of the coin. I urge my colleagues to support this effort to ensure that the mistake made in 1921 is rectified and that Sojourner Truth can take her rightful place with the other suffragettes who fought for equal rights for all Americans.

AMENDMENT NO. 1632

(Purpose: To make an amendment relating to coinage.)

Mr. SESSIONS. Mr. President, I understand that Senator COATS has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama Mr. SESSIONS, for Mr. COATS, proposes an amendment numbered 1632.

On Page 8, line 11, strike ''clad''.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendments be agreed to, the committee amendment be agreed to, the bill be considered read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The amendments (Nos. 1631 and 1632) were agreed to.

The committee amendment was agreed to.

The bill (S. 1228), as amended, was passed, as follows:

S. 1228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''50 States Commemorative Coin Program Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is appropriate and timely—

(A) to honor the unique Federal republic of 50 States that comprise the United States; and

(B) to promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography, and the rich diversity of the national heritage;

(2) the circulating coinage of the United States has not been modernized during the 25-year period preceding the date of enactment of this Act;

(3) a circulating commemorative 25-cent coin program could produce earnings of $110,000,000 from the sale of silver proof coins and sets over the 10-year period of issuance, and would produce indirect earnings of an estimated $2,600,000,000 to $5,100,000,000 to the United States Treasury, money that will replace borrowing to fund the national debt to at least that extent; and

(4) it is appropriate to launch a commemorative circulating coin program that encourages young people and their families to collect memorable tokens of all of the States for the face value of the coins.

SEC. 3. ISSUANCE OF REDESIGNED QUARTER DOLLARS OVER 10-YEAR PERIOD COMMEMORATING EACH OF THE 50 STATES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (k) the following new subsection:

''(l) REDESIGN AND ISSUANCE OF QUARTER DOLLAR IN COMMEMORATION OF EACH OF THE 50 STATES.—

''(1) REDESIGN BEGINNING IN 1999.—

''(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), quarter dollar coins issued during the 10-year period beginning in 1999, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the 50 States.

''(B) TRANSITION PROVISION.—Notwithstanding subparagraph (A), the Secretary may continue to mint and issue quarter dollars in 1999 which bear the design in effect before the redesign required under this subsection and an inscription of the year '1998' as required to ensure a smooth transition into the 10-year program under this subsection.

''(2) SINGLE STATE DESIGNS.—The design on the reverse side of each quarter dollar issued during the 10-year period referred to in paragraph (1) shall be emblematic of 1 of the 50 States.

''(3) ISSUANCE OF COINS COMMEMORATING 5 STATES DURING EACH OF THE 10 YEARS.—

''(A) IN GENERAL.—The designs for the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1) shall be emblematic of 5 States selected in the order in which such States ratified the Constitution of the United States or were admitted into the Union, as the case may be.

''(B) NUMBER OF EACH OF 5 COIN DESIGNS IN EACH YEAR.—Of the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1), the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the 5 designs selected for such year.

''(4) SELECTION OF DESIGN.—

''(A) IN GENERAL.—Each of the 50 designs required under this subsection for quarter dollars shall be—

''(i) selected by the Secretary after consultation with—

''(I) the Governor of the State being commemorated, or such other State officials or group as the State may designate for such purpose; and

''(II) the Commission of Fine Arts; and

''(ii) reviewed by the Citizens Commemorative Coin Advisory Committee.

''(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

''(C) PARTICIPATION.—The Secretary may include participation by State officials, artists from the States, engravers of the United States Mint, and members of the general public.

''(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

''(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

''(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(6) ISSUANCE.—

''(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

''(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

''(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

''(7) APPLICATION IN EVENT OF THE ADMISSION OF ADDITIONAL STATES.—If any additional State is admitted into the Union before the end of the 10-year period referred to in paragraph (1), the Secretary of the Treasury may issue quarter dollar coins, in accordance with this subsection, with a design which is emblematic of such State during any 1 year of such 10-year period, in addition to the quarter dollar coins issued during such year in accordance with paragraph (3)(A).''.

SEC. 4. UNITED STATES DOLLAR COINS.

(a) SHORT TITLE.—This section may be cited as the ''United States $1 Coin Act of 1997''.

(b) WEIGHT.—Section 5112(a)(1) of title 31, United States Code, is amended by striking ''and weighs 8.1 grams''.

(c) COLOR AND CONTENT.—Section 5112(b) of title 31, United States Code, is amended—

(1) in the first sentence, by striking ''dollar,''; and

(2) by inserting after the fourth sentence the following: ''The dollar coin shall be golden in color, have a distinctive edge, have tactile and visual features that make the denomination of the coin readily discernible, be minted and fabricated in the United States, and have similar metallic, anti-counterfeiting properties as United States clad coinage in circulation on the date of enactment of the United States $1 Coin Act of 1997.''.

(d) DESIGN.—Section 5112(d)(1) of title 31, United States Code, is amended by striking the fifth and sixth sentences and inserting the following: ''The Secretary of the Treasury, in consultation with the Congress, shall select appropriate designs for the obverse and reverse sides of the dollar coin.''.

(e) PRODUCTION OF NEW DOLLAR COINS.—

(1) IN GENERAL.—Upon the depletion of the Government's supply (as of the date of enactment of this Act) of $1 coins bearing the likeness of Susan B. Anthony, the Secretary of the Treasury shall place into circulation $1 coins that comply with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by this section.

(2) AUTHORITY OF SECRETARY TO CONTINUE PRODUCTION.—If the supply of $1 coins bearing the likeness of Susan B. Anthony is depleted before production has begun of $1 coins which bear a design which complies with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by this section, the Secretary of the Treasury may continue to mint and issue $1 coins bearing the likeness of Susan B. Anthony in accordance with that section 5112 (as in effect on the day before the date of enactment of this Act) until such time as production begins.

(3) NUMISMATIC SETS.—The Secretary may include such $1 coins in any numismatic set produced by the United States Mint before the date on which the $1 coins authorized by this section are placed in circulation.

(f) MARKETING PROGRAM.—

(1) IN GENERAL.—Before placing into circulation $1 coins authorized under this section, the Secretary of the Treasury shall adopt a program to promote the use of such coins by commercial enterprises, mass transit authorities, and Federal, State, and local government agencies.

(2) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study on the progress of the marketing program adopted in accordance with paragraph (1).

(3) REPORT.—Not later than March 31, 2001, the Secretary of the Treasury shall submit a report to the Congress on the results of the study conducted pursuant to paragraph (2).

SEC. 5. FIRST FLIGHT COMMEMORATIVE COINS.

(a) COIN SPECIFICATIONS.—

(1) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this section referred to as the ''Secretary'') shall mint and issue the following coins:

(A) $10 GOLD COINS.—Not more than 100,000 $10 coins, each of which shall—

(i) weigh 16.718 grams;

(ii) have a diameter of 1.06 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) $1 SILVER COINS.—Not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(C) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins each of which shall—

(i) weigh 11.34 grams;

(ii) have a diameter of 1.205 inches; and

(iii) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this section shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) SOURCES OF BULLION.—The Secretary shall obtain gold and silver for minting coins under this section pursuant to the authority of the Secretary under other provisions of law, including authority relating to the use of silver stockpiles established under the Strategic and Critical Materials Stockpiling Act, as applicable.

(d) DESIGN OF COINS.—

(1) DESIGN REQUIREMENTS.—

(A) IN GENERAL.—The design of the coins minted under this section shall be emblematic of the first flight of Orville and Wilbur

Wright in Kitty Hawk, North Carolina, on December 17, 1903.

(B) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this section there shall be—

(i) a designation of the value of the coin;

(ii) an inscription of the year ''2003''; and

(iii) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(2) SELECTION.—The design for the coins minted under this section shall be—

(A) selected by the Secretary after consultation with the Board of Directors of the First Flight Foundation and the Commission of Fine Arts; and

(B) reviewed by the Citizens Commemorative Coin Advisory Committee.

(e) PERIOD FOR ISSUANCE OF COINS.—The Secretary may issue coins minted under this section only during the period beginning on August 1, 2003, and ending on July 31, 2004.

(f) SALE OF COINS.—

(1) SALE PRICE.—The coins issued under this section shall be sold by the Secretary at a price equal to the sum of—

(A) the face value of the coins;

(B) the surcharge provided in paragraph (4) with respect to such coins; and

(C) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(2) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this section at a reasonable discount.

(3) PREPAID ORDERS.—

(A) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this section before the issuance of such coins.

(B) DISCOUNT.—Sale prices with respect to prepaid orders under subparagraph (A) shall be at a reasonable discount.

(4) SURCHARGES.—All sales shall include a surcharge of—

(A) $35 per coin for the $10 coin;

(B) $10 per coin for the $1 coin; and

(C) $1 per coin for the half dollar coin.

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to evidence any intention to eliminate or to limit the printing or circulatiion of United States currency in the $1 demonination.

(g) GENERAL WAIVER OF PROCUREMENT REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(2) EQUAL EMPLOYMENT OPPORTUNITY.—Paragraph (1) does not relieve any person entering into a contract under the authority of this section from complying with any law relating to equal employment opportunity.

(h) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this subsection shall be considered to be numismatic items.

(i) DISTRIBUTION OF SURCHARGES.—

(1) IN GENERAL.—Subject to section 5134 of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this section shall be promptly paid by the Secretary to the First Flight Foundation for the purposes of—

(A) repairing, refurbishing, and maintaining the Wright Brothers Monument on the Outer Banks of North Carolina; and

(B) expanding (or, if necessary, replacing) and maintaining the visitor center and other facilities at the Wright Brothers National Memorial Park on the Outer Banks of North Carolina, including providing educational programs and exhibits for visitors.

(2) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the First Flight Foundation as may be related to the expenditures of amounts paid under paragraph (1).

(j) FINANCIAL ASSURANCES.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this section will not result in any net cost to the United States Government.