HOUSE OF REPRESENTATIVES—*Monday, December 4, 1995*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. PETRI].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 4, 1995.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Make right, O God, the conflicts of the day that seem to tear at the fabric of our society, that threaten the traditions that we hold dear. Even as we pray for Your might in our midst, we pray You will encourage our hands to do the good works that serve people in their need, that Your word of peace will speak to our words, that Your gift of grace will touch us with common purpose so our deeds will reflect the majesty of Your whole creation and the bounty of all Your blessings. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. SKELTON] come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1316. An act to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

COMMUNICATION FROM THE HONORABLE MIKE PARKER, MEMBER OF CONGRESS

The Chair laid before the House the following communication from the Honorable MIKE PARKER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
December 1, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, the Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the Southern District of Mississippi.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

MIKE PARKER,
Member of Congress.

COMMUNICATION FROM THE HONORABLE JIM KOLBE, MEMBER OF CONGRESS

The Chair laid before the House the following communication from the Honorable JIM KOLBE; Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 20, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that this office has been served with a subpoena issued by the Pima County Consolidated Justice Court, Tucson, Arizona.

After consultation with the General Counsel, we have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JIM KOLBE,
Member of Congress.

MOURNING THE LOSS OF FORMER CONGRESSMAN JAMES C. CLEVELAND

(Mr. BASS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BASS. Mr. Speaker, New Hampshire today mourns the loss yesterday of former Congressman James C. Cleveland. Congressman Cleveland served ably from the Second Congressional District in New Hampshire from 1963 until 1980, when he retired and his seat was taken by now Senator JUDD GREGG.

Congressman Cleveland was a conservationist, a sportsman, an attorney. Indeed, he set up a law practice with my uncle in Concord in the fifties. I think what is most important to us was that Congressman Cleveland represented in the sixties and seventies many of the values that we as Republicans now hold dear to us, fiscal conservatism and a concern for the environment as well.

Mr. Speaker, I am saddened by the loss of Congressman Cleveland. He was a political ally. He was an adviser. But, most important to me, he was a dear friend.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FREE THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, according to this morning's paper, the majority leader of the Senate, Mr. DOLE, said, and I am quoting him, concerning a Federal Government shutdown, "I don't believe we should shut down the Government. I think it would be a mistake. I do not believe it should happen. I don't believe it will happen."

I think the majority leader is probably right. The Congress would be insane or close to it to shut the Government down 10 days before Christmas. A lot of folks who are not Federal employees and are nowhere close to Federal employees would regard that as the act that deserved the Scrooge Award of 1995.

But will the Congress overlook the District of Columbia and allow it the short continuing resolution that I am certain will come for Federal employees? My prediction is you will probably let the Government stay open until we get back from the recess.

Mr. Speaker, I am here to explain that for the District, that does almost

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nothing, because we are not a Federal agency. We are a city of almost 600,000 people, and you cannot run a complicated city, down on its luck, with 2- and 3-week continuing resolutions. You then have to calibrate how much money you spend on the basis of for example, if it is 2 weeks, one-fourteenth, so you do not overobligate. With the city in the financial condition it is in, that should be unthinkable.

There is a very special congressional responsibility, therefore, to release in the next continuing resolution the District's money, raised solely in the District, until such time as an appropriation bill has been signed. I would hope that an appropriation bill will be signed before December 15. But, very frankly, our appropriation is stuck on stupid. It is stuck up here on controversial issues having nothing to do with the wishes of the people of the District of Columbia. So I cannot guarantee that by December 15 our appropriation will be signed.

I have a bill that would allow the District to spend its own money until such time as an appropriation bill is signed. That way we would have the flexibility to run the city. Otherwise, we are put in the position where, if unfunded mandates such as AFDC have to be matched on time, as they do, and a payroll has to be paid on time, as it does, we could overobligate.

The Congress has been most critical of the District for what it says has been overobligation in the past. The last thing the Congress, I am sure, would like to do, is put the District in the position where it is between the hardest rock and the worst hard place, where it had unfunded mandates and funded mandates that it had to meet and had no way to meet them because it can only spend a certain percentage of its funds.

The Washington Post said in an editorial recently:

> House Speaker Gingrich, Subcommittee on D.C. Appropriations Chairman Jim Walsh and other Congressional leaders who seek to bring financial order to this city should see the importance of separating the local functions as well as the responsibilities of the Control Board and chief financial officer from Federal stalemates. If their concern for the District's financial stability is genuine, they should press for immediate enactment of a continuing resolution, as well as for protections against any more situations like this.

Shutting the District down, when its own money is here only because the Congress requires it to come here, not because the Congress provides it, is an outrage. I ask this body, if and when such time should come that a continuing continuing resolution is needed to keep Federal agencies going, and if that continuing resolution is a short-term continuing resolution, that you allow the District to spend its own money—and about 80 percent of the money in our appropriation is raised by hard working D.C. taxpayers in the District of Columbia—and that you allow that money to be spent, so that the District will not be thrown into worse financial shape than is already the case.

That is not what this body desires. This body has been working beneficially with the District. So has the Financial Authority. We do not need another setback. I acknowledge that the District is responsible for many of its own problems, but the fact is, it is trying to get hold of those problems now. The District should not be thrown into further disarray because the Congress goes into short-term continuing resolutions, overlooking the difference between HHS, the State Department, and HUD and the District of Columbia.

The District is a living, breathing city that has suffered tremendously throughout this period. It is the innocent bystanders for whom I speak now, not the Mayor, not the City Council and not the Delegate, but the hard working residents who pay taxes in the District of Columbia. Free the District of Columbia.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE REPORT ON H.R. 2684, THE SENIOR CITIZENS RIGHT TO WORK ACT OF 1995

Mr. BASS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight tonight to file a report to accompany H.R. 2684, the Senior Citizens Right to Work Act of 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

ILL-ADVISED MISSION IN BOSNIA SHOULD BE ABANDONED

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Missouri [Mr. SKELTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. SKELTON. Mr. Speaker, Friday evening, the Vice President was on ABC News "Nightline." In his comments, the Vice President stated that the task of bringing peace to Bosnia would be done at a minimal risk to American troops. This would be true, but for one provision to which the administration has signed up: namely, the guaranteeing and coordinating of the arming and training of one of the belligerents.

According to testimony by Secretary of State Warren Christopher, our Government policy is supervising—that is, guaranteeing and coordinating—the arming and training of Bosnian Moslem forces. This is a flawed and dangerous policy. It gives the appearance that we favor one side of this bitter internal struggle over another. It makes our Government appear to be a combatant. We cannot be both a combatant and a peacekeeper.

This policy of arming and training Bosnian Moslems—even through a third party, but guaranteed and supervised by us—concerns me greatly. Three points are to be considered:

First, already, there exists a parity between the warring factions, the Serbs on the one hand and the Croat-Moslem Federation on the other. Note the recent battlefield successes by the Federation. Further, the Moslems have been receiving arms by way of Croatia for some time.

Second, our allies are not in favor of arming and training the Moslem forces. The French and British, in particular, are against it. This was pointed out in news reports Thursday morning.

Third, the arming and training of the Moslem forces, quoting the Vice President: "we are going to see that it happens * * * we commit to making sure that is going to happen."

Mr. Speaker, this is a flawed policy. The Vice President concedes that it would be wrong for the American troops to directly arm and train the Bosnian Moslems, as it would destroy the even-handedness and perception of even-handedness of our troops in the field. I say that the United States guaranteeing and coordinating this effort is just as bad. Having America in charge of this effort—having other countries or other persons contracted to do the job—still destroys the even-handedness and perception of even-handedness of our Americans in uniform. This policy has red, white, and blue stamped all over it. This policy paints each American soldier with a bulls'-eye target.

In order for peacekeeping to work, there must be trust—trust of the former belligerents in the impartiality of the peacekeepers. This trust and confidence will not exist so long as our Government pursues the policy of supervising the arming and training of the Moslems. It is one thing, in the words of Secretary of Defense William Perry, to "be the meanest dog in town." It is another not to have to fight at all.

The U.S. Army Field Manual, regarding peacekeeping, states: "Peacekeeping requires an impartial, even-handed approach." Our National Security Committee heard testimony from retired generals and others who stressed the need for peacekeepers to be neutral, to be even-handed.

Soon, our American soldiers, some 20,000 of them, will arrive in Bosnia as peacekeepers between the three warring sides: the Croats, the Bosnian Serbs, and the Bosnian Moslems. A few weeks ago, in a White House meeting,

Deputy Secretary of State Strobe Talbot told me of plans for the U.S. Government to arm and train the Bosnian Moslems. Being concerned with this policy, I wrote a letter to the President on October 31, criticizing this stance. After the peace agreement was signed, I wrote another letter on November 22. After I, along with several others, criticized this plan—which would clearly put our troops in danger by destroying their required impartiality—a new plan to arm and train then appeared. This new arrangement is one of farming out, contracting out, laundering out the task to third parties.

There is nothing in the Dayton peace agreement, initialed by the three belligerents, that requires the United States to arm and train anyone. This slightly altered policy still violates the required impartiality of the United States, and that lack of impartiality will be transferred to our soldiers serving as peacekeepers.

Ordinary military risk is one thing; inviting vengeance against our troops is another.

Those who came up with this wrong-headed policy should learn the wisdom of the Missouri Ozarks: "Those who aid my enemy become my enemy." The Serbs will look upon American troops as enemies and the Moslems will expect favors.

Bosnia is a snake pit of anger, hatred, and vengeance. We are putting our troops in a snake pit while we are angering half the snakes. This policy could well be a death warrant for scores of American men and women in uniform. Taking sides in previous peacekeeping efforts—1983 in Beirut and 1993 in Mogadishu—brought tragedy to Americans in uniform. We should learn from the past.

The President agreed to furnish 20,000 troops for peacekeeping—not 20,000 targets for vengeance.

Remember, this is the Balkans, the scene of centuries of hate, centuries of killing, and centuries of vengeance. I, for one, see no reason for American troops to be made victims of vengeance because of this wrong-headed policy of arming and training the Moslems.

As a matter of fact, our troops have not been forewarned of the additional security risk that our policy could bring. On December 1, I wrote the Secretary of Defense a letter, urging his Department to issue memorandums to the soldiers to be on extra alert, as this policy puts them at higher risk.

I understand the need for America to assume a leadership role in the world. I understand the need for America to be the leader of NATO. But I do not understand why American troops will be inserted into this war-torn country as both peacekeepers and combatants. The credibility of American soldiers as impartial peacekeepers will be lost.

I urge this administration to abandon this policy, as it will undoubtedly bring needless loss of life and injury to our fine troops in Bosnia.

I include for the RECORD my letters dated October 31, November 22, and December 1.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 31, 1995.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Please know that I very much want to help you in supporting the promising Bosnian peace initiative. However, I have great concerns about the effort to equip and train the Bosnian Muslims, especially while U.S. troops are operating in Bosnia.

I believe the "equip and train" effort corrupts the implementation force (IFOR) as a neutral peace force, and needlessly places the lives of American troops at risk. The effort will cause America to be perceived as a party to the conflict in the eyes of the Bosnian Serbs, their friends, and their allies. There will be no avoiding it, even if an attempt is made to keep the effort separate from IFOR. The message received in the region will be clear: American troops are not in Bosnia to implement a peace agreement, but rather to protect the Bosnian Muslims.

The purpose of the "equip and train" effort is to establish military parity. However, given what has happened in Bosnia over the last three months, I question the assertion that a military imbalance exists. On the contrary, I suggest a regional military balance has existed for sometime. Furthermore, I sense that the warring factions have grown weary of prolonging the fight.

We are walking down the dangerous path toward an arms race in Bosnia just at the time when American troops will attempt to bring peace to an area suffering from a savage war. Will not the Russians respond to the cries of their ethnic cousins, the Bosnian Serbs, who fear being driven from their homes in the future by a menacing Bosnian Muslim force? Our effort to equip and train Bosnian Muslims could bring more war to the region.

No matter how we try to separate it from IFOR, the effort to equip and train will have "RED, WHITE, AND BLUE" written all over it. This would jeopardize the safety of U.S. forces. The Serb partisans will have an incentive to make American troops pay the price, and American troops will become the object of Serb anger and acts of vengeance.

Therefore, I believe that we should defer any effort to equip and train until IFOR departs the country. My suggestion keeps faith with the Bosnian Muslims without needlessly jeopardizing the lives of American troops.

Again, Mr. President, I want to help you bring peace to Bosnia. But I would find it difficult to support U.S. participation in IFOR should we embark on the dangerous path of equipping and training Bosnians Muslims.

Sincerely,

IKE SKELTON,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 22, 1995.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Now that a Bosnian peace agreement has been reached, our attention turns to the impending deployment of American troops to Bosnia as peacekeepers. With the proposal for American military participation in the implementation force, it is critical that Congress have the answer to the question I have raised with you and members of your Administration over the past few weeeks. The question is:

Will the U.S. government or any of its allies supply training, armaments or equipment, either directly or indirectly, to any of the belligerents or former belligerents between now and the end of our troop involvement in Bosnia?

I ask the question because we have had the sad experience of American forces being viewed as favoring one side over another in previous conflicts, resulting in American injuries and deaths. I refer to Beirut in 1983 and Mogadishu in 1993. This is especially important in light of the news report on the BBC this morning that the Bosnian Serb leadership is sharply divided on this agreement.

I would appreciate hearing from you.

Very truly yours,

IKE SKELTON,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 1, 1995.

Hon. WILLIAM J. PERRY,
The Secretary of Defense, Washington, DC.

DEAR SECRETARY PERRY: If the U.S. Department of State insists on arming and training the Croat-Muslim Federation—with an American guarantee and coordination of the effort, as testified to by Secretary Christopher yesterday—will the 20,000 American soldiers in the Bosnia-Herzegovina region be forewarned of this additional security risk? Will they be informed of the possibility of vengeful acts by the Serbs, or of hostilities from Muslims expecting but denied favorable treatment?

This is a major security issue. I urge the Department of Defense to issue memoranda to each soldier to be on extra alert, as this State Department policy will put them at higher risk.

Please respond at your earliest convenience. Thank you.

Sincerely,

IKE SKELTON,
Member of Congress.

CONFERENCE REPORT ON H.R. 2076

Mr. ROGERS submitted the following conference report and statement on the bill (H.R. 2076) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–378)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2076) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *That the following sums are appropriated, out of any money in the*

Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $74,282,000; including not to exceed $3,317,000 for the Facilities Program 2000, and including $5,000,000 for management and oversight of Immigration and Naturalization Service activities, both sums to remain available until expended: Provided, That not to exceed 45 permanent positions and 51 full-time equivalent workyears and $7,477,000 shall be expended for the Department Leadership Program only for the Offices of the Attorney General and the Deputy Attorney General, exclusive of augmentation that occurred in these offices in fiscal year 1995: Provided further, That not to exceed 76 permanent positions and 90 full-time equivalent workyears and $9,487,000 shall be expended for the Executive Support program for the Offices of Legislative Affairs, Public Affairs and Policy Development: Provided further, That the latter three 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, $16,898,000 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 the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $38,886,000: Provided, That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation for the Executive Office for Immigration Review and the Office of the Pardon Attorney shall be merged with this appropriation.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by sections 130005 and 130007 of Public Law 103–322, $47,780,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: Provided, That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation under Title VIII of Public Law 103–317 for the Executive Office for Immigration Review shall be merged with this appropriation.

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, $28,960,000; 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.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,446,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

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; $401,929,000; 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 $22,618,000 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 notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States and credit to this appropriation, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year 1996.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101–512 (104 Stat. 1289).

In addition, for Salaries and Expenses, General Legal Activities, $12,000,000 shall be made available to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of Public Law 103–322, $7,591,000, 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, $65,783,000: Provided, That notwithstanding any other provision of law, not to exceed $48,262,000 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 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $17,521,000: Provided further, That any fees received in excess of $48,262,000 in fiscal year 1996, shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, $895,509,000, of which not to exceed $2,500,000 shall be available until September 30, 1997 for the purposes of (1) providing training of personnel of the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and 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 and $4,000,000 for security equipment shall remain available until expended: Provided further, That in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,595 positions and 8,862 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 190001(d), 40114 and 130005 of Public Law 103–322, $30,000,000 to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $20,269,000 shall be available to help meet increased demands for litigation and related activities, $500,000 to implement a program to appoint additional Federal Victim's Counselors, and $9,231,000 for expeditious deportation of denied asylum applicants.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program $102,390,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), which shall be derived from the United States Trustee System Fund: Provided, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: Provided further, That notwithstanding any other provision of law, not to exceed $44,191,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended, shall be retained and used for necessary expenses in this appropriation: Provided further, That the $102,390,000 herein appropriated from the United States Trustee System Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from such Fund estimated at not more than $58,199,000: Provided further, That any of the aforementioned fees collected in excess of $44,191,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including service as authorized by 5 U.S.C. 3109, $830,000.

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; $423,248,000, 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.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of Public Law 103–322, $25,000,000, to remain available until expended, which shall be derived from Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

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; $252,820,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

In addition, for Federal Prisoner Detention, $9,000,000 shall be made available until expended to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

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, $85,000,000, 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.

COMMUNITY RELATIONS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $30,000,000 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, $2,655,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $16,264,000, to become available on October 1, 1996.

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, $359,843,000, 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

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 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; $2,189,183,000, of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and $1,000,000 for undercover operations shall remain available until September 30, 1997; of which not less than $102,345,000 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 payments or 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 $58,000,000 shall be made available for NCIC 2000; of which not less than $35,000,000 shall be derived from ADP and Telecommunications unobligated balances; and of which $22,000,000 shall be derived by transfer and available until expended from unobligated balances in the Working Capital Fund of the Department of Justice.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by Public Law 103–322, $218,300,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $208,800,000 shall be for activities authorized by section 190001(c); $4,000,000 for Training and Investigative Assistance authorized by section 210501(c)(2); and $5,500,000 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 210306.

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; $97,589,000 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 1,208 passenger motor vehicles, of which 1,178 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; $745,668,000, 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 $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1997, 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 Public Law 103–322, $60,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

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 813 of which 177 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; and research related to immigration enforcement; $1,394,825,000; of which $506,800,000 is available for the Border Patrol, of which $12,100,000 shall remain available until September 30, 1997; of which not to exceed $400,000 for research shall remain available until expended; and of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 during the calendar year beginning January 1, 1996: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That the Attorney General may transfer to the Department of Labor and the Social Security Administration not to exceed $10,000,000 for programs to verify the immigration status of persons seeking employment in the United States: 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: (1) the checkpoints are open and traffic is being checked on a continuous 24-hour basis and (2) the Immigration and Naturalization Service undertakes a commuter lane facilitation pilot program at the San Clemente checkpoint within 90 days of enactment of this Act: Provided further, That the Immigration and Naturalization Service shall undertake the renovation and improvement of the San Clemente checkpoint, to include the addition of two to four lanes, and which shall be exempt from Federal procurement regulations for contract formation, from within existing balances in the Immigration and Naturalization Service Construction account: Provided further, That if renovation of the San Clemente checkpoint is not completed by July 1, 1996, the San Clemente checkpoint will close until such time as the renovations and improvements are completed unless funds for the continued operation of the checkpoint are provided and made available for obligation and expenditure in accordance with procedures set forth in section 605 of this Act, as the result of certification by the Attorney General that exigent circumstances require the checkpoint to be open and delays in completion of the renovations are not the result of any actions that are or have been in the control of the Department of Justice: Provided further, That the Office of Public Affairs at the Immigration and Naturalization Service shall conduct its business in areas only relating to its central mission, including: research, analysis, and dissemination of information, through the media and other communications outlets, relating to the activities of the Immigration and Naturalization Service: Provided further, That the Office of Congressional Relations at the Immigration and Naturalization Service shall conduct business in areas only relating to its central mission, including: providing services to Members of Congress relating to constituent inquiries and requests for information; and working with the relevant congressional committees on proposed legislation affecting immigration matters: Provided further, That in addition to amounts otherwise made available in this title to the Attorney General, the Attorney General is authorized to accept and utilize, on behalf of the United States, the $100,000 Innovation in American Government Award for 1995 from the Ford Foundation for the Immigration and Naturalization Service's Operation Jobs program.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130005, 130006, and 130007 of Public Law 103–322, $316,198,000 to remain available until expended which shall be derived from the Violent Crime Reduction Trust Fund, of which $44,089,000 shall be for expeditious deportation of denied asylum applicants, $231,570,000 for improving border controls, and $40,539,000 for expanded special deportation proceedings: Provided, That of the amounts made available, $78,000,000 shall be for the Border Patrol.

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, $25,000,000, 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 853, of which 559 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; $2,567,578,000: Provided, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, 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 $50,000,000 for the activation of new facilities shall remain available until September 30, 1997: 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 for the care and security in the United States of Cuba and Haitian entrants: Provided further, That no funds appropriated in this Act shall be used to privatize any Federal prison facilities located in Forrest City, Arkansas, and Yazoo City, Mississippi.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of Public Law 103–322, $13,500,000, 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; $334,728,000, 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 $22,351,000 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 $3,559,000 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, $99,977,000, 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).

VIOLENT CRIME REDUCTION PROGRAMS, JUSTICE, 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 ("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"), $202,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $6,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; $750,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; $130,000,000 for Grants to Combat Violence Against Women to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act; $28,000,000 for Grants to Encourage Arrest Policies to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; $7,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act $1,000,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994; $50,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the Omnibus Crime Control and Safe Streets Act of 1968; $200,000 for the study of State databases on the incidence of sexual and domestic violence, as authorized by section 40292 of the Violent Crime Control and Law Enforcement Act of 1994; $1,500,000 for national stalker and domestic violence reduction, as authorized by section 40603 of that Act; $27,000,000 for grants for residential substance abuse treatment for State prisoners authorized by section 1001(a)(17) of the 1968 Act; and $900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section

240001(d) of the 1994 Act: Provided, That any balances for these programs shall be transferred to and merged with this appropriation.

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, $388,000,000, 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 $60,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs: Provided, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

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 ("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"), $3,005,200,000 to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $1,903,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995 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 recipients are encouraged to use these funds to hire additional law enforcement officers: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: Provided further, That $10,000,000 of this amount shall be available for educational expenses as set forth in section 200103 of the 1994 Act; $25,000,000 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; $147,000,000 as authorized by section 1001 of title I of the 1968 Act, which shall be available 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; $300,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; $617,500,000 for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (as amended by section 114 of this Act), of which $200,000,000 shall be available for payments to states for incarceration of criminal aliens, and of which $12,500,000 shall be available for the Cooperative Agreement Program; $1,000,000 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; $9,000,000 for Improved Training and Technical Automation Grants, as authorized by section 210501(c)(1) of the 1994 Act; $1,000,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; $500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; $1,000,000 for Gang Investigation Coordination and Information Collection, as authorized by section 150006 of the 1994 Act; $200,000 for grants as authorized by Section 32201(c)(3) of the 1994 Act: Provided further, That funds made available in fiscal year 1996 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: Provided further, That any 1995 balances for these programs shall be transferred to and merged with this appropriation: 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.

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, $28,500,000, which shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

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, $144,000,000, 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 102–566, of which: (1) $100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of the Act; (2) $10,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $4,000,000 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.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $4,500,000, to remain available until expended, as authorized by section 214B, of the Act: Provided, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

PUBLIC SAFETY OFFICERS BENEFITS

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, to remain available until expended, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340), and, in addition, $2,134,000, to remain available until expended, for payments as authorized by section 1201(b) 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. Subject to section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993, as amended by section 112 of this Act, authorities contained in Public Law 96–132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980," 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 unconstitional 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 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 20 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. 108. For fiscal year 1996 and each fiscal year thereafter, amounts in the Federal Prison System's Commissary Fund, Federal Prisons, which are not currently needed for operations, shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investment shall be deposited in the Commissary Fund.

SEC. 109. Section 524(c)(9) of title 28, United States Code, is amended by adding subparagraph (E), as follows:

"(E) Subject to the notification procedures contained in section 605 of Public Law 103–121, and after satisfying the transfer requirement in subparagraph (B) of this paragraph, any excess unobligated balance remaining in the Fund on September 30, 1995 shall be available to the Attorney General, without fiscal year limitation, for any Federal law enforcement, litigative/prosecutive, and correctional activities, or any other authorized purpose of the Department of Justice. Any amounts provided pursuant to this subparagraph may be used under authorities available to the organization receiving the funds.".

SEC. 110. Hereafter, notwithstanding any other provision of law—

(1) no transfers may be made from Department of Justice accounts other than those authorized in this Act, or in previous or subsequent appropriations Acts for the Department of Justice, or in part II of title 28 of the United States Code, or in section 10601 of title 42 of the United States Code; and

(2) no appropriation account within the Department of Justice shall have its allocation of funds controlled by other than an apportionment issued by the Office of Management and Budget or an allotment advice issued by the Department of Justice.

SEC. 111. (a) Section 1930(a)(6) of title 28, United States Code, is amended by striking "a plan is confirmed or".

(b) Section 589a(b)(5) of such title is amended by striking ";" and inserting, "until a reorganization plan is confirmed;".

(c) Section 589a(f) of such title is amended—

(1) in paragraph (2) by striking "." and inserting, "until a reorganization plan is confirmed;", and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) 100 percent of the fees collected under section 1930(a)(6) of this title after a reorganization plan is confirmed.".

SEC. 112. Public Law 102–395, section 102 is amended as follows: (1) in subsection (b)(1) strike "years 1993, 1994, and 1995" and insert "year 1996"; (2) in subsection (b)(1)(C) strike "years 1993, 1994, and 1995" and insert "year 1996"; and (3) in subsection (b)(5)(A) strike "years 1993, 1994, and 1995" and insert "year 1996".

SEC. 113. Public Law 101–515 (104 Stat. 2112; 28 U.S.C. 534 note) is amended by inserting "and criminal justice information" after "for the automation of finger-print identification".

SEC. 114.

(a) GRANT PROGRAM.—Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"Subtitle A—Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants

"SEC. 20101. DEFINITIONS.

"As used in this subtitle—

"(1) the term 'indeterminate sentencing' means a system by which—

"(A) the court may impose a sentence of a range defined by statute; and

"(B) an administrative agency, generally the parole board, or the court, controls release within the statutory range;

"(2) the term 'part 1 violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports; and

"(3) the term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

"SEC. 20102. AUTHORIZATION OF GRANTS.

"(a) IN GENERAL.—The Attorney General shall provide grants to eligible States—

"(1) to build or expand correctional facilities to increase the prison bed capacity for the confinement of persons convicted of a part 1 violent crime or adjudicated delinquent for an act which if committed by an adult, would be a part 1 violent crime;

"(2) to build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted nonviolent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a part 1 violent crime; and

"(3) to build or expand jails.

"(b) REGIONAL COMPACTS.—

"(1) IN GENERAL.—Subject to paragraph (2), States may enter into regional compacts to carry out this subtitle. Such compacts shall be treated as States under this subtitle.

"(2) REQUIREMENT.—To be recognized as a regional compact for eligibility for a grant under section 20103 or 20104, each member State must be eligible individually.

"(3) LIMITATION ON RECEIPT OF FUNDS.—No State may receive a grant under this subtitle both individually and as part of a compact.

"(c) LIMITATIONS.—

"(1) Except as provided in paragraph (2), an eligible State may receive either a general grant under section 20103 or a truth-in-sentencing incentive grant under section 20104.

"(2) EXCEPTION.—An eligible State may receive a grant under both sections 20103 and 20104 if the amount that such State is eligible to receive under section 20103 in a year equals or exceeds the amount that such State is eligible to receive under section 20104 for that year.

"(d) APPLICABILITY.—Notwithstanding the eligibility requirements of sections 20103 and 20104, a State that certifies to the Attorney General that, as of the date of enactment of the Department of Justice Appropriations Act, 1996, such State has enacted legislation in reliance on subtitle A of title II of the Violent Crime Control and Law Enforcement Act, as enacted on September 13, 1994, and would in fact qualify under those provisions, shall be eligible to receive a grant for fiscal year 1996 as though such State qualifies under sections 20103 or 20104 of this subtitle.

"SEC. 20103. GENERAL GRANTS.

"(a) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit an application to the Attorney General that provides assurances that such State has, since 1993—

"(1) increased the percentage of persons convicted of a part 1 violent crime sentenced to prison;

"(2) increased the average prison time actually to be served in prison by persons convicted of a part 1 violent crime sentenced to prison; and

"(3) increased the average percentage of time of the sentence to be actually served in prison by persons convicted of a part 1 violent crime and sentenced to prison.

"(b) INDETERMINATE SENTENCING EXCEPTION.—Notwithstanding subsection (a), a State shall be eligible for a grant under this section if such State submits an application to the Attorney General that provides assurances that the State on the date of the enactment of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1996—

"(1) practices indeterminate sentencing with regard to any part 1 violent crime; and

"(2) since 1993 the State has increased—

"(A) the percentage of persons convicted of a part 1 violent crime sentenced to prison; and

"(B) the average time served in the State for the offenses of murder, rape, and robbery under the State's sentencing and release guidelines for such offenses.

"SEC. 20104. TRUTH-IN-SENTENCING INCENTIVE GRANTS.

"(a) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit an application to the Attorney General that provides assurances that—

"(1) such State has implemented truth-in-sentencing laws that require persons convicted of a part 1 violent crime to serve not less than 85 percent of the sentence imposed (not counting time not actually served, such as administrative or statutory incentives for good behavior);

"(2) such State has truth-in-sentencing laws that have been enacted, but not yet implemented, that require such State, not later than 3 years after such State submits an application to the Attorney General, to provide that persons convicted of a part 1 violent crime serve not less than 85 percent of the sentence imposed; or

"(3) if, in the case of a State that on the date of enactment of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1996, practices indeterminate sentencing with regard to any part 1 violent crime, such State demonstrates that the average time served for part 1 violent crimes in the State equals at least 85 percent of the sentences established for such crimes under the State's sentencing and release guidelines (not counting time not actually served, such as administrative or statutory incentives for good behavior).

"(b) EXCEPTION.—Notwithstanding subsection (a), a State may provide that the Governor of the State may allow for the earlier release of—

"(1) a geriatric prisoner; or

"(2) a prisoner whose medical condition precludes the prisoner from posing a threat to the public, but only after a public hearing in which representatives of the public and the prisoner's victims have had an opportunity to be heard regarding a proposed release.

"SEC. 20105. SPECIAL RULES.

"(a) SHARING OF FUNDS WITH COUNTIES AND OTHER UNITS OF LOCAL GOVERNMENT.—

"(1) RESERVATION.—Each State shall reserve not more than 15 percent of the amount of funds allocated in a fiscal year pursuant to section 20106 for counties and units of local government to construct, develop, expand, modify, or improve jails and other correctional facilities.

"(2) FACTORS FOR DETERMINATION OF AMOUNT.—To determine the amount of funds to be reserved under this subsection, a State shall consider the burden placed on a county or unit of local government that results from the implementation of policies adopted by the State to carry out sections 20103 and 20104.

"(b) ADDITIONAL REQUIREMENT.—To be eligible to receive a grant under section 20103 or 20104, a State shall provide assurances to the Attorney General that the State has implemented or will implement not later than 18 months after the date of the enactment of this subtitle policies that provide for the recognition of the rights and needs of crime victims.

"(c) FUNDS FOR JUVENILE OFFENDERS.—Notwithstanding any other provision of this subtitle, if a State, or unit of local government located in a State that otherwise meets the requirements of sections 20103 or 20104, certifies to

the Attorney General that exigent circumstances exist that require the State to expend funds to confine juvenile offenders, the State may use funds received under this subtitle to build or expand juvenile correctional facilities or pretrial detention facilities for juvenile offenders.

"(d) PRIVATE FACILITIES.—A State may use funds received under this subtitle for the privatization of facilities to carry out the purposes of section 20102.

"SEC. 20106. FORMULA FOR GRANTS.

"In determining the amount of funds that may be granted in each State eligible to receive a grant under section 20103 or 20104, the Attorney General shall apply the following formula:

"(1) MINIMUM AMOUNT FOR GRANTS UNDER SECTION 20103.—Of the amount set aside for grants for section 20103, 0.6 percent shall be allocated to each eligible State, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealths of Puerto Rico and the Northern Mariana Islands shall each be allocated 0.05 percent.

"(2) MINIMUM AMOUNT FOR GRANTS UNDER SECTION 20104.—Of the amount set aside for grants for section 20104—

"(A) if less than 20 States are awarded grants under section 20104, 2.5 percent of the amounts paid shall be allocated to each eligible State, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealths of Puerto Rico and the Northern Mariana Islands shall each be allocated 0.05 percent; and

"(B) if 20 or more States are awarded grants under section 20104, 2.0 percent of the amounts awarded shall be allocated to each eligible State in a fiscal year for a grant under section 20104, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealths of Puerto Rico and the Northern Mariana Islands shall each be allocated 0.04 percent.

"(3) ADDITIONAL AMOUNTS BASED ON NUMBER OF PART 1 VIOLENT CRIMES.—

"(A) DISTRIBUTION OF REMAINING AMOUNTS.—The amounts remaining after the application of paragraph (1) or (2) shall be allocated to each eligible State in the ratio that the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by all such States to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

"(B) UNAVAILABLE DATA.—If data regarding part 1 violent crimes in any State is unavailable for the 3 years preceding the year in which the determination is made or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this subtitle.

"(4) REGIONAL COMPACTS.—In determining the funds that States organized as a regional compact may receive, the Attorney General shall first apply the formula in either paragraph (1) or (2) and (3) of this section to each member State of the compact. The States organized as a regional compact may receive the sum of the amounts so determined.

"SEC. 20107. ACCOUNTABILITY.

"(a) FISCAL REQUIREMENTS.—A State that receives funds under this subtitle shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Attorney General, and shall ensure that any funds used to carry out the programs under section 20102(a) shall represent the best value for the State governments at the lowest possible cost and employ the best available technology.

"(b) ADMINISTRATIVE PROVISIONS.—The administrative provisions of sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply to the Attorney General under this subtitle in the same manner that such provisions apply to the officials listed in such sections.

"SEC. 20108. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—

"(1) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this subtitle—

"(A) $997,500,000 for fiscal year 1996;

"(B) $1,330,000,000 for fiscal year 1997;

"(C) $2,527,000,000 for fiscal year 1998;

"(D) $2,660,000,000 for fiscal year 1999; and

"(E) $2,753,100,000 for fiscal year 2000.

"(2) DISTRIBUTION.—

"(A) IN GENERAL.—Subject to section 20109, and except as provided in subparagraph (B), of the amount appropriated pursuant to paragraph (1)—

"(i) one-third of such amount shall be allocated pursuant to section 20106 to eligible States under section 20103; and

"(ii) two-thirds of such amount shall be allocated pursuant to section 20106 to eligible States under section 20104.

"(B) ADDITIONAL FUNDS.—Subject to section 20109, if the amount appropriated pursuant to paragraph (1) exceeds $750,000,000—

"(i) half of such amount shall be allocated pursuant to section 20106 to eligible States under section 20103; and

"(ii) half of such amount shall be allocated pursuant to section 20106 to eligible States under section 20104.

"(b) LIMITATIONS ON FUNDS.—

"(1) USES OF FUNDS.—Except as provided in section 20111, funds made available pursuant to this section shall be used only to carry out the purposes described in section 20102(a).

"(2) NONSUPPLANTING REQUIREMENT.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

"(3) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds made available pursuant to this section shall be used for administrative costs.

"(4) CARRYOVER OF APPROPRIATIONS.—Funds appropriated pursuant to this section during any fiscal year shall remain available until expended.

"(5) MATCHING FUNDS.—The Federal share of a grant received under this subtitle may not exceed 90 percent of the costs of a proposal as described in an application approved under this subtitle.

"SEC. 20109. PAYMENTS FOR INCARCERATION ON TRIBAL LANDS.

"(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this subtitle, from amounts appropriated under section 20108 to carry out sections 20103 and 20104, the Attorney General shall reserve, to carry out this section—

"(1) 0.3 percent in each of fiscal years 1996 and 1997; and

"(2) 0.2 percent in each of fiscal years 1998, 1999, and 2000.

"(b) GRANTS TO INDIAN TRIBES.—From the amounts reserved under subsection (a), the Attorney General may make grants to Indian tribes for the purposes of constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction.

"(c) APPLICATIONS.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

"SEC. 20110. PAYMENTS TO ELIGIBLE STATES FOR INCARCERATION OF CRIMINAL ALIENS.

"(a) IN GENERAL.—The Attorney General shall make a payment to each State which is eligible under section 242(j) of the Immigration and Nationality Act and which meets the eligibility requirements of section 20104, in such amount as is determined under section 242(j) and for which payment is not made to such State for such fiscal year under such section.

"(b) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provision of this subtitle, there are authorized to be appropriated to carry out this section from amounts authorized under section 20108, an amount which when added to amounts appropriated to carry out section 242(j) of the Immigration and Nationality Act for fiscal year 1996 equals $500,000,000 and for each of the fiscal years 1997 through 2000 does not exceed $650,000,000.

"(c) REPORT TO CONGRESS.—Not later than May 15, 1999, the Attorney General shall submit a report to the Congress which contains the recommendation of the Attorney General concerning the extension of the program under this section.

"SEC. 20111. SUPPORT OF FEDERAL PRISONERS IN NONFEDERAL INSTITUTIONS.

"(a) IN GENERAL.—The Attorney General may make payments to States and units of local government for the purposes authorized in section 4013 of title 18, United States Code.

"(b) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provision of this subtitle, there are authorized to be appropriated from amounts authorized under section 20108 for each of fiscal years 1996 through 2000 such sums as may be necessary to carry out this section.

"SEC. 20112. REPORT BY THE ATTORNEY GENERAL.

"Beginning on July 1, 1996, and each July 1 thereafter, the Attorney General shall report to the Congress on the implementation of this subtitle, including a report on the eligibility of the States under sections 20103 and 20104, and the distribution and use of funds under this subtitle.".

(b) PREFERENCE IN PAYMENTS.—Section 242(j)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(j)(4)) is amended by adding at the end the following:

"(C) in carrying out paragraph (1)(A), the Attorney General shall give preference in making payments to States and political subdivisions of States which are ineligible for payments under section 20110 of the Violent Crime Control and Law Enforcement Act of 1994.".

(c) CONFORMING AMENDMENTS.—

(1) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—

(A) PART V.—Part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(B) FUNDING.—

(i) Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking paragraph (20).

(ii) Notwithstanding the provisions of subparagraph (A), any funds that remain available to an applicant under paragraph (20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be used in accordance with part V of such Act as such Act was in effect on the day preceding the date of enactment of this Act.

(2) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—

(A) TABLE OF CONTENTS.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to title V.

(B) COMPLIANCE.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under title V of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as if such subtitle was in effect on the day preceding the date of enactment of this Act.

(C) TRUTH-IN-SENTENCING.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to subtitle A of title II and inserting the following:

"SUBTITLE A—TRUTH-IN-SENTENCING GRANTS

"Sec. 20101. Definitions.
"Sec. 20102. Authorization of Grants.
"Sec. 20103. General Grants.
"Sec. 20104. Truth-in-sentencing incentive grants.
"Sec. 20105. Special rules.
"Sec. 20106. Formula for grants.
"Sec. 20107. Accountability.
"Sec. 20108. Authorization of appropriations.
"Sec. 20109. Payments for Incarceration on Tribal Lands.
"Sec. 20110. Payments to States for Incarceration on Criminal Aliens.
"Sec. 20111. Report by the Attorney General.".

SEC. 115. Notwithstanding provisions of 41 U.S.C. 353 or any other provision of law, the Federal Prison System may enter into contracts and other agreements with private entities for a period not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

SEC. 116. (a) IN GENERAL.—Subsection (b) of section 4 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) is amended by striking "March 11, 1993" each place it appears and inserting "August 1, 1994".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the provisions of the National Voter Registration Act of 1993.

SEC. 117. Notwithstanding any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an election for Federal office, as evidence to prove United States citizenship.

SEC. 118. Section 1344(b)(6) of title 31, United States Code, is amended to read as follows:

"(6) the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, and the Administrator of the Drug Enforcement Administration;".

SEC. 119. (a) AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.—The Foreign Claims Settlement Commission of the United States (the "Commission") is authorized to receive and determine the validity and amount of claims by nationals of the United States against the Federal Republic of Germany covered by Article 2(2) of the Agreement Between the Government of the Federal Republic of Germany and the Government of the United States of America Concerning Final Benefits to Certain United States Nationals Who Were Victims of National Socialist Measures of Persecution, entered into force September 19, 1995 (the "Agreement"). In deciding such claims, the Commission shall be guided by the criteria applied by the Department of State in determining the validity and amount of the claims covered by and settled under Article 2(1) of the Agreement.

(b) APPLICATION OF OTHER LAWS.—Except to the extent inconsistent with the provisions of this section, the provisions of title I of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et sec.), except for section 7(b) (22 U.S.C. 1626 (b)), shall apply with respect to claims under this section. Any reference in such provisions to "this title" shall be deemed to refer to those provisions and to this section.

(c) CERTIFICATION AND PAYMENT.—

(1) Not later than two years after the entry into force of the Agreement, the Commission shall certify to the Secretary of State, in writing, its determinations as to the validity and amount of the claims authorized for decision under subsection (a).

(2) In the case of claims found to be compensable under subsection (a), the Commission shall certify the awards entered in the claims to the Secretary of the Treasury in accordance with section 5 of Title 1 of the International Claims Settlement Act of 1949 (22 U.S.C. 1624). Such awards shall be paid in accordance with subsections (a) and (c)–(f) of section 7 of such title (22 U.S.C. 1626) out of a special fund established in accordance with section 8 of such title (22 U.S.C. 1627), following conclusion of the negotiations provided for in Article 2(2) of the Agreement.

(d) CONFIDENTIALITY OF RECORDS.—Records pertaining to the claims received by the Commission pursuant to subsection (a) shall not be publicly disclosed and shall not be required to be disclosed pursuant to section 552 of title 5, United States Code.

(e) SEPARABILITY.—If any provision of this section or the application thereof to any person or circumstances is held invalid, the remainder of this section or the application of such provision to other persons or circumstances shall not be affected.

This title may be cited as the "Department of Justice Appropriations Act, 1996".

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, $20,889,000, 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.

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, $40,000,000 to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $264,885,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 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; $38,604,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $328,500,000: 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, $20,000,000: 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, $32,000,000.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration, $2,000,000, to remain available until December 31, 1995: Provided, That none of the funds appropriated by this paragraph shall be available to carry out the provisions of section 203(a) of the International Travel Act of 1961, as amended.

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, $45,900,000, to remain available until September 30, 1997.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by 15 U.S.C. 1525–1527 and, notwithstanding 15 U.S.C. 4912, charge fee necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $138,812,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic census and programs provided for by law, $150,300,000, 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, $17,000,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for spectrum management, analysis, and operations and for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Services of the NTIA in furtherance of its assigned functions under this paragraph and such funds received from other Government agencies shall remain available until expended.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $2,200,000 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.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,500,000, 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 of the Act including support of the Advisory Council on National Information Infrastructure: 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; $82,324,000, to remain available until expended: Provided, That the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: Provided further, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $259,000,000, to remain available until expended, of which not to exceed $8,500,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $80,000,000, to remain available until expended, of which not to exceed $500,000 may be transferred to the "Working Capital Fund": Provided, That none of the funds made available under this heading in this or any other Act may be used for the purposes of carrying out additional program competitions under the Advanced Technology Program: Provided further, That any unobligated balances available from carryover of prior year appropriations under the Advanced Technology Program may be used only for the purposes of providing continuation grants.

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, $60,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 358 commissioned officers on the active list; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,795,677,000, to remain available until extended: 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 1996, so as to result in a final general fund appropriation estimated at not more than $1,792,677,000: Provided further, That any such additional fees received in excess of $3,000,000 in fiscal year 1996 shall not be available for obligation until October 1, 1996: 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, $63,000,000 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 State pursuant to sections 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, for purposes set forth in 16 U.S.C. 1456a(b)(2)(A), 16 U.S.C. 1456a(b)(2)(B)(v), and 16 U.S.C. 1461(e).

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $50,000,000, to remain available until expended.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet for the National Oceanic and Atmospheric Administration, $8,000,000, to remain available until expended.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $1,032,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $999,000, 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 Fishery Conservation and Management

Act of 1976, as amended (Public Law 100–627) and the American Fisheries Promotion Act (Public Law 96–561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $196,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $250,000: Provided, That none of the funds made available under this heading may be used to guarantee loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

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, $5,000,000.

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, $29,100,000.

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), $19,849,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $75,000,000 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 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, 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 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. None of the funds appropriated under this Act or any other law shall be used to implement subsections (a), (b), (c), (e), (g), or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), until such time as legislation reauthorizing the Act is enacted or until the end of fiscal year 1996, whichever is earlier, except that monies appropriated under this Act may be used to delist or reclassify species pursuant to subsections 4(a)(2)(B), 4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Act.

SEC. 208. Notwithstanding any other provision of law (including any regulation and including the Public Works and Economic Development Act of 1965), the transfer of title to the Rutland City Industrial Complex to Hilinex, Vermont (as related to Economic Development Administration project Number 01–11–01742) shall not require compensation to the Federal Government for the fair share of the Federal Government of that real property.

SEC. 209. (a) IN GENERAL.—The Secretary of Commerce, acting through the Assistant Secretary for Economic Development of the Department of Commerce, shall—

(1) not later than January 1, 1996, commence the demolition of the structures on, and the cleanup and environmental remediation on, the parcel of land described in subsection (b);

(2) not later than March 31, 1996, complete the demolition, cleanup, and environmental remediation under paragraph (1); and

(3) not later than April 1, 1996, convey the parcel of land described in subsection (b), in accordance with the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), to the Tuscaloosa County Industrial Development Authority, on receipt of payment of the fair market value for the parcel by the Authority, as agreed on by the Secretary and the Authority.

(b) LAND PARCEL.—The parcel of land referred to in subsection (a) is the parcel of land consisting of approximately 41 acres in Holt, Alabama (in Tuscaloosa County), that is generally known as the "Central Foundry Property", as depicted on a map, and as described in a legal description, that the Secretary, acting through the Assistant Secretary for Economic Development, determines to be satisfactory.

SEC. 210. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: Provided, that the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision 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.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1996".

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, $25,834,000.

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), $3,313,000, of which $500,000 shall remain available until expenses.

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, $14,288,000.

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, $10,859,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

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, $2,433,141,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; 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; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

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 $2,318,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $30,000,000, 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.

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), $267,217,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): Provided, That none of the funds provided in this Act shall be available for Death Penalty Resource Centers or Post-Conviction Defender Organizations after April 1, 1996.

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)); $59,028,000, 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); $102,000,000, 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, $47,500,000, 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, $17,914,000; of which $1,800,000 shall remain available through September 30, 1997, 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), $24,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,000,000, and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

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, $8,500,000, 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. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 92–236.

SEC. 303. 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", 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. 304. 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. 305. Section 333 of title 28, United States Code, is amended—

(1) in the first paragraph, by striking, "shall" the first, second, and fourth place it appears and inserting "may"; and

(2) in the second paragraph—

(A) by striking "shall" the first place it appears and inserting "may"; and

(B) by striking ", and unless excused by the chief judge, shall remain throughout the conference".

This title may be cited as "The Judiciary Appropriations Act, 1996".

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 $1,708,800,000: Provided, That notwithstanding section 140(a)(5) and the second sentence of section 140(a)(3) of the Foreign Relations Authorization Act, Fiscal Year 1994 and 1995 (Public Law 103–236), not to exceed $125,000,000 of fees may be collected during fiscal year 1996 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 year 1996 as an offsetting collection to appropriations made under this heading to recover the costs of providing consular services and shall remain available until expended: Provided further, That the preceding two provisos shall remain in effect through April 1, 1996: Provided further, That starting in fiscal year 1997, a system shall be in place that allocates to each department and agency the full cost of its presence outside of the United States.

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 not to exceed $17,144,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended. Of the latter amount, $9,600,000 shall not be made available until expiration of the 15 day period beginning on the date when the Secretary of State and the Director of the Diplomatic Telecommunications Service submit the pilot program report required by section 507 of Public Law 103–317.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717; and in addition not to exceed $1,223,000 shall be derived from fees 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 by section 120 of Public Law 101–246); 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 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

For an additional amount for security enhancements to counter the threat of terrorism, $9,720,000, 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, $363,276,000.

For an additional amount for security enhancements to counter the threat of terrorism, $1,870,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $16,400,000, to remain available until expended, as authorized by Public Law 103-236: Provided, That section 135(e) of Public Law 103-236 shall not apply to funds appropriated 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.), $27,369,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (P.L. 96-465), as it relates to post inspections: Provided, That notwithstanding any other provision of law, (1) the Office of the Inspector General of the United States Information Agency is hereby merged with the Office of the Inspector General of the Department of State; (2) the functions exercised and assigned to the Office of the Inspector General of the United States Information Agency before the effective date of this Act (including all related functions) are transferred to the Office of the Inspector General of the Department of State; and (3) the Inspector General of the Department of State shall also serve as the Inspector General of the United States Information Agency.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,500,000.

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, $8,579,000.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Services Buildings Act of 1926, as amended (22 U.S.C. 292-300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $385,760,000, to remain available until expended as authorized by 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), $6,000,000, to remain available until expended as authorized by 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 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, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8(93 Stat. 14), $15,165,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,402,000.

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, $700,000,000: Provided, That any payment of arrearages shall be directed toward special articles 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 for fiscal year 1996 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.

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, $225,000,000: Provided, That none of the funds made available under this Act may be used, and shall not be available, for obligation or expenditure 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 CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $3,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

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 expenses, not otherwise provided for, $12,058,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,644,000, to remain available until expended as authorized by 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; $5,800,000, 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, $14,669,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, 5,000,000 to remain available until expended as authorized by 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, $35,700,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

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 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); $445,645,000: Provided, That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: Provided further, That not to exceed $7,615,000 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 the United States Information and Educational Exchange Act of 1948, as amended: Provided further, That not to exceed $1,700,000 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), $200,000,000, to remain available until expended as authorizing by 22 U.S.C. 2455.

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. 5204–05), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1996, 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, 1996, to remain available until expended.

AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

For necessary expenses of American Studies Collections as authorized by section 235 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, all interest and earnings accruing to the American Studies Collections Endowment Fund on or before September 30, 1996, 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; $325,191,000, of which $5,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by 22 U.S.C. 1474(3), not to exceed $35,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed $250,000 from fees as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended, to remain available until expended for carrying out authorized purposes, and in addition, notwithstanding any other provision of law, not to exceed $1,000,000 in monies received (including receipts from advertising, if any) by or for the use of the United States Information Agency from or in connection with broadcasting resources owned by or on behalf of the Agency, to be available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the United States information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,809,000 to remain available until expended: Provided, That not later than April 1, 1996, the headquarters of the Office of Cuba Broadcasting shall be relocated from Washington, D.C. to south Florida, and that any funds available under the headings "International Broadcasting Operations", "Broadcasting to Cuba", and "Radio Construction" may be available to carry out this relocation.

RADIO CONSTRUCTION

For an additional amount 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 22 U.S.C. 1471, $40,000,000, to remain available until expended as authorized by 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, $11,750,000: 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, $2,000,000, 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 Democracy 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 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such 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 or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

SEC. 404. (a) No later than 90 days after enactment of legislation consolidating, reorganizing or downsizing the functions of the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, the Secretary of State, the Director of the United States Information Agency and the Director of the Arms Control and Disarmament Agency shall submit to the Committees on Appropriations of the House and the Senate a proposal for transferring or rescinding funds appropriated herein for functions that are consolidated, reorganized or downsized under such legislation: Provided, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of State, the Director of the United States Information Agency, and the Director of the Arms Control and Disarmament Agency, as appropriate, may use any available funds to cover the costs of actions to consolidate, reorganize or downsize the functions under their authority required by such legislation, and of 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 402 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. 405. (a) 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 Exchanges 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.

(b) Subsection (a) shall cease to be in effect after April 1, 1996.

SEC. 406. Section 36(a)(1) of the State Department Authorities Act of 1956, as amended (22 U.S.C. 2708), is amended to delete "may pay a reward" and insert in lieu thereof "shall establish and publicize a program under which rewards may be paid".

SEC. 407. Section 8 of the Eisenhower Exchange Fellowship Act of 1990 is amended in the last sentence by striking "fiscal year 1995" and inserting "fiscal year 1999".

SEC. 408. Sections 6(a) and 6(b) of Public Law 101–454 are repealed.

SEC. 409. It is the sense of the Senate that none of the funds appropriated or otherwise made available pursuant to this Act should be used for the deployment of combat-equipped forces of the Armed Forces of the United States for any ground operations in Bosnia and Herzegovina unless—

(1) Congress approves in advance the deployment of such forces of the Armed Forces; or

(2) the temporary deployment of such forces of the Armed Forces of the United States into Bosnia and Herzegovina is necessary to evacuate United Nations peacekeeping forces from a situation of imminent danger, to undertake emergency air rescue operations, or to provide for the airborne delivery of humanitarian supplies, and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the deployment.

SEC. 410. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision 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.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1996".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARTIME 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, $162,610,000, to remain available until expended.

MARITIME NATIONAL 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 as determined by the Secretary of Defense in consultation with the Secretary of Transportation, $46,000,000, to remain available until expended: Provided, That these funds will be available only upon enactment of an authorization for this program.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $66,600,000, to remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies and may be transferred to the Secretary of the Interior for use as provided in the National Maritime Heritage Act (P.L. 103–451): Provided further, 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 of 1936, $40,000,000, 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 $3,500,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

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

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

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

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

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,750,000: 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 IN 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, $1,894,000, 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); nonmonetary awards to private citizens; not to exceed $26,500,000, 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; $233,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $175,709,000, of which not to exceed $300,000 shall remain available until September 30, 1997, for research and policy studies: Provided, That $116,400,000 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 1996 so as to result in a final fiscal year 1996 appropriation estimated at $59,309,000: Provided further, That any offsetting collections received in excess of $116,400,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C.

1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $14,855,000: 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; $79,568,000: 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 $48,262,000 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 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $31,306,000, to remain available until expended: Provided further, That any fees received in excess of $48,262,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: 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).

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94–118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,247,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.

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, $278,000,000, of which $265,000,000 is for basic field programs; $7,000,000 is for the Office of the Inspector General, of which $5,500,000 shall remain available until expended and be used to contract with independent public accountants for financial audits of all recipients in accordance with the requirements of section 509 of this Act; and $6,000,000 is for management and administration: Provided, That $198,750,000 of the total amount provided under this heading for basic field programs shall not be available except for the competitive award of grants and contracts under section 503 of this Act.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) Funds appropriated under this Act to the Legal Services Corporation for basic field programs shall be distributed as follows:

(1) The Corporation shall define geographic areas and make the funds available for each geographic area on a per capita basis relative to the number of individuals in poverty determined by the Bureau of the Census to be within the geographic area, except as provided in paragraph (2)(B). Funds for such a geographic area may be distributed by the Corporation to 1 or more persons or entities eligible for funding under section 1006(a)(1)(A) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)), subject to sections 502 and 504.

(2) Funds for grants from the Corporation, and contracts entered into by the Corporation for basic field programs, shall be allocated so as to provide—

(A) except as provided in subparagraph (B), an equal figure per individual in poverty for all geographic areas, as determined on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code (or, in the case of the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, Alaska, Hawaii, and the United States Virgin Islands, on the basis of the adjusted population counts historically used as the basis for such determinations); and

(B) an additional amount for Native American communities that received assistance under the Legal Services Corporation Act for fiscal year 1995, so that the proportion of the funds appropriated to the Legal Services Corporation for basic field programs for fiscal year 1996 that is received by the Native American communities shall be not less than the proportion of such funds appropriated for fiscal year 1995 that was received by the Native American communities.

(b) As used in this section:

(1) The term "individual in poverty" means an individual who is a member of a family (of 1 or more members) with an income at or below the poverty line.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 502. None of the funds appropriated in this Act to the Legal Services Corporation shall be used by the Corporation to make a grant, or enter into a contract, for the provision of legal assistance unless the Corporation ensures that the person or entity receiving funding to provide such legal assistance is—

(1) a private attorney admitted to practice in a State or the District of Columbia;

(2) a qualified nonprofit organization, chartered under the laws of a State or the District of Columbia, that—

(A) furnishes legal assistance to eligible clients; and

(B) is governed by a board of directors or other governing body, the majority of which is comprised of attorneys who—

(i) are admitted to practice in a State or the District of Columbia; and

(ii) are appointed to terms of office on such board or body by the governing body of a State, county, or municipal bar association, the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance;

(3) a State or local government (without regard to section 1006(a)(1)(A)(ii) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)(ii)); or

(4) a substate regional planning or coordination agency that serves a substate area and whose governing board is controlled by locally elected officials.

SEC. 503. (a)(1) Not later than April 1, 1996, the Legal Services Corporation shall implement a system of competitive awards of grants and contracts for all basic field programs, which shall apply to all such grants and contracts awarded by the Corporation after March 31, 1996, from funds appropriated in this Act.

(2) Any grant or contract awarded before April 1, 1996, by the Legal Services Corporation to a basic field program for 1996—

(A) shall not be for an amount greater than the amount required for the period ending March 31, 1996;

(B) shall terminate at the end of such period; and

(C) shall not be renewable except in accordance with the system implemented under paragraph (1).

(3) The amount of grants and contracts awarded before April 1, 1996, by the Legal Services Corporation for basic field programs for 1996 in any geographic area described in section 501 shall not exceed an amount equal to 3/12 of the total amount to be distributed for such programs for 1996 in such area.

(b) Not later than 60 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process for the recipients of such grants and contracts.

(c) Such regulations shall specify selection criteria for the recipients, which shall include—

(1) a demonstration of a full understanding of the basic legal needs of the eligible clients to be served and a demonstration of the capability of serving the needs;

(2) the quality, feasibility, and cost effectiveness of a plan submitted by an applicant for the delivery of legal assistance to the eligible clients to be served; and

(3) the experience of the Legal Services Corporation with the applicant, if the applicant has previously received financial assistance from the Corporation, including the record of the applicant of past compliance with Corporation policies, practices, and restrictions.

(d) Such regulations shall ensure that timely notice regarding an opportunity to submit an application for such an award is published in periodicals of local and State bar associations and in at least one daily newspaper of general circulation in the area to be served by the person or entity receiving the award.

(e) No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process.

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

SEC. 504. (a) 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 (which may be referred to in this section as a "recipient")—

(1) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

(2) that attempts to influence the issuance, amendment, or revocation of any executive order, regulation, or other statement of general applicability and future effect by any Federal, State, or local agency;

(3) that attempts to influence any part of any adjudicatory proceeding of any Federal, State, or local agency if such part of the proceeding is designed for the formulation or modification of any agency policy of general applicability and future effect;

(4) that attempts to influence the passage or defeat of any legislation, constitutional amendment, referendum, initiative, or any similar procedure of the Congress or a State or local legislative body;

(5) that attempts to influence the conduct of oversight proceedings of the Corporation or any

person or entity receiving financial assistance provided by the Corporation;

(6) that pays for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, administrative expense, or related expense, associated with an activity prohibited in this section;

(7) that initiates or participates in a class action suit;

(8) that files a complaint or otherwise initiates or participates in litigation against a defendant, or engages in a precomplaint settlement negotiation with a prospective defendant, unless—

(A) each plaintiff has been specifically identified, by name, in any complaint filed for purposes of such litigation or prior to the precomplaint settlement negotiation; and

(B) a statement or statements of facts written in English and, if necessary, in a language that the plaintiffs understand, that enumerate the particular facts known to the plaintiffs on which the complaint is based, have been signed by the plaintiffs, are kept on file by the recipient, and are made available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation:

Provided, That upon establishment of reasonable cause that an injunction is necessary to prevent probable, serious harm to such potential plaintiff, a court of competent jurisdiction may enjoin the disclosure of the identity of any potential plaintiff pending the outcome of such litigation or negotiations after notice and an opportunity for a hearing is provided to potential parties to the litigation or the negotiations: Provided further, That other parties to the litigation or negotiation shall have access to the statement of facts referred to in subparagraph (B) only through the discovery process after litigation has begun;

(9) unless—

(A) prior to the provision of financial assistance—

(i) if the person or entity is a nonprofit organization, the governing board of the person or entity has set specific priorities in writing, pursuant to section 1007(a)(2)(C)(i) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)(C)(i)), of the types of matters and cases to which the staff of the nonprofit organization shall devote time and resources; and

(ii) the staff of such person or entity has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing board, except in emergency situations defined by such board and in accordance with the written procedures of such board for such situations; and

(B) the staff of such person or entity provides to the governing board on a quarterly basis, and to the Corporation on an annual basis, information on all cases or matters undertaken other than cases or matters undertaken in accordance with such priorities;

(10) unless—

(A) prior to receiving the financial assistance, such person or entity agrees to maintain records of time spent on each case or matter with respect to which the person or entity is engaged;

(B) any funds, including Interest on Lawyers Trust Account funds, received from a source other than the Corporation by the person or entity, and disbursements of such funds, are accounted for and reported as receipts and disbursements, respectively, separate and distinct from Corporation funds; and

(C) the person or entity agrees (notwithstanding section 1009(d) of the Legal Services Corporation Act (42 U.S.C. 2996h(d)) to make the records described in this paragraph available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation;

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

(A) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(B) an alien who—

(i) is married to a United States citizen or is a parent or an unmarried child under the age of 21 years of such a citizen; and

(ii) has filed an application to adjust the status of the alien to the status of a lawful permanent resident under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), which application has not been rejected;

(C) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) (relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(D) an alien who is lawfully present in the United States as a result of withholding of deportation by the Attorney General pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

(E) an alien to whom section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note) applies, but only to the extent that the legal assistance provided is the legal assistance described in such section; or

(F) an alien who is lawfully present in the United States as a result of being granted conditional entry to the United States before April 1, 1980, pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)), as in effect on March 31, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity;

(12) that supports or conducts a training program for the purpose of advocating a particular public policy or encouraging a political activity, a labor or antilabor activity, a boycott, picketing, a strike, or a demonstration, including the dissemination of information about such a policy or activity, except that this paragraph shall not be construed to prohibit the provision of training to an attorney or a paralegal to prepare the attorney or paralegal to provide—

(A) adequate legal assistance to eligible clients; or

(B) advice to any eligible client as to the legal rights of the client;

(13) that claims (or whose employee claims), or collects and retains, attorneys' fees pursuant to any Federal or State law permitting or requiring the awarding of such fees;

(14) that participates in any litigation with respect to abortion;

(15) that participates in any litigation on behalf of a person incarcerated in a Federal, State, or local prison;

(16) that initiates legal representation or participates in any other way, in litigation, lobbying, or rulemaking, involving an effort to reform a Federal or State welfare system, except that this paragraph shall not be construed to preclude a recipient from representing an individual eligible client who is seeking specific relief from a welfare agency if such relief does not involve an effort to amend or otherwise challenge existing law in effect on the date of the initiation of the representation;

(17) that defends a person in a proceeding to evict the person from a public housing project if—

(A) the person has been charged with the illegal sale or distribution of a controlled substance; and

(B) the eviction proceeding is brought by a public housing agency because the illegal drug activity of the person threatens the health or safety of another tenant residing in the public housing project or employee of the public housing agency;

(18) unless such person or entity agrees that the person or entity, and the employees of the person or entity, will not accept employment resulting from in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action, and will not refer such nonattorney to another person or entity or an employee of the person or entity, that is receiving financial assistance provided by the Corporation; or

(19) unless such person or entity enters into a contractual agreement to be subject to all provisions of Federal law relating to the proper use of Federal funds, the violation of which shall render any grant or contractual agreement to provide funding null and void, and, for such purposes, the Corporation shall be considered to be a Federal agency and all funds provided by the Corporation shall be considered to be Federal funds provided by grant or contract.

(b) Nothing in this section shall be construed to prohibit a recipient from using funds from a source other than the Legal Services Corporation for the purpose of contacting, communicating with, or responding to a request from, a State or local government agency, a State or local legislative body or committee, or a member thereof, regarding funding for the recipient, including a pending or proposed legislative or agency proposal to fund such recipient.

(c) Not later than 30 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate a suggested list of priorities that boards of directors may use in setting priorities under subsection (a)(9).

(d)(1) The Legal Services Corporation shall not accept any non-Federal funds, and no recipient shall accept funds from any source other than the Corporation, unless the Corporation or the recipient, as the case may be, notifies in writing the source of the funds that the funds may not be expended for any purpose prohibited by the Legal Services Corporation Act or this title.

(2) Paragraph (1) shall not prevent a recipient from—

(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending the tribal funds in accordance with the specific purposes for which the tribal funds are provided; or

(B) using funds received from a source other than the Legal Services Corporation to provide legal assistance to a covered individual if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients for any purpose prohibited by this Act or by the Legal Services Corporation Act.

(e) As used in this section:

(1) The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) The term "covered individual" means any person who—

(A) except as provided in subparagraph (B), meets the requirements of this Act and the Legal Services Corporation Act relating to eligibility for legal assistance; and

(B) may or may not be financially unable to afford legal assistance.

(3) The term "public housing project" has the meaning as used within, and the term "public housing agency" has the meaning given the

term, in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

SEC. 505. None of the funds appropriated in this Act to the Legal Services Corporation or provided by the Corporation to any entity or person may be used to pay membership dues to any private or nonprofit organization.

SEC. 506. None of the funds appropriated in this Act to the Legal Services Corporation may be used by any person or entity receiving financial assistance from the Corporation to file or pursue a lawsuit against the Corporation.

SEC. 507. None of the funds appropriated in this Act to the Legal Services Corporation may be used for any purpose prohibited or contrary to any of the provisions of authorization legislation for fiscal year 1996 for the Legal Services Corporation that is enacted into law. Upon the enactment of such Legal Services Corporation reauthorization legislation, funding provided 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.

SEC. 508. (a) The requirements of section 504 shall apply to the activities of a recipient described in section 504, or an employee of such a recipient, during the provision of legal assistance for a case or matter, if the recipient or employee begins to provide the legal assistance on or after the date of enactment of this Act.

(b) If the recipient or employee began to provide legal assistance for the case or matter prior to the date of enactment of this Act—

(1) each of the requirements of section 504 (other than paragraphs (7), (11), and (15) of subsection (a) of such section) shall, beginning on the date of enactment of this Act, apply to the activities of the recipient or employee during the provision of legal assistance for the case or matter; and

(2) the requirements of paragraphs (7), (11), and (15) of section 504(a) shall apply—

(A) beginning on the date of enactment of this Act, to the activities of the recipient or employee during the provision of legal assistance for any additional related claim for which the recipient or employee begins to provide legal assistance on or after such date; and

(B) beginning July 1, 1996, to all other activities of the recipient or employee during the provision of legal assistance for the case or matter.

(c) The Legal Services Corporation shall, every 60 days, submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the status of cases and matters referred to in subsection (b)(2).

SEC. 509. (a) An audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act (referred to in this section as a "recipient") shall be conducted in accordance with generally accepted government auditing standards and shall report whether—

(1) the financial statements of the recipient present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles;

(2) the recipient has internal control systems to provide reasonable assurance that it is managing funds, regardless of source, in compliance with Federal laws and regulations; and

(3) the recipient has complied with Federal laws and regulations applicable to funds received, regardless of source.

(b) In carrying out the requirements of subsection (a)(3), the auditor shall select and test a representative number of transactions. Any noncompliance found by the auditor during the audit under this section shall be reported within 30 days to the Office of the Inspector General.

(c) Audits conducted in accordance with this section shall be in lieu of the financial audits otherwise required by section 1009(c) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)).

(d) Notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)), the Legal Services Corporation shall have access to financial records, time records, retainer agreements, client trust fund and eligibility records, and client names, for each recipient, except for reports or records subject to the attorney-client privilege.

(e) The Legal Services Corporation shall not disclose any name or document referred to in subsection (d), except to—

(1) a Federal, State, or local law enforcement official; or

(2) an official of an appropriate bar association for the purpose of enabling the official to conduct an investigation of a rule of professional conduct.

(f) The requirements of this section shall apply to a recipient for its first fiscal year beginning on or after January 1, 1996.

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, $1,190,000.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98–399, as amended, $350,000: Provided, That this shall be the final Federal payment to the Martin Luther King, Jr. Federal Holiday Commission for operations and necessary closing costs.

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, $287,738,000, of which $3,000,000 is for the Office of Economic Analysis, to be headed by the Chief Economist of the Commission, and 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: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel and transportation to or from such meetings, and (iii) any other related lodging or subsistence: Provided, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of one percentum to one-twenty-ninth of one percentum, and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process: Provided further, That the total amount appropriated for fiscal year 1996 under this heading shall be reduced as such fees are deposited to this appropriation so as to result in a final total fiscal year 1996 appropriation from the General Fund estimated at not more than $103,445,000: Provided further, That any such fees collected in excess of $184,293,000 shall remain available until expended but shall not be available for obligation until October 1, 1996: Provided further, That $1,000,000 of the funds appropriated for the Commission shall be available for the enforcement of the Investment Advisers Act of 1940 in addition to any other appropriated funds designated by the Commission for enforcement of such Act.

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, $219,190,000: Provided further, 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.

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, $8,500,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $4,500,000, and for the cost of guaranteed loans, $156,226,000, as authorized by 15 U.S.C. 631 note, of which $1,216,000, to be available until expended, shall be for the Microloan Guarantee Program, and of which $40,510,000 shall remain available until September 30, 1997: 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 1996, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under Section 20(n)(2)(B) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $92,622,000, 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, $34,432,000, 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, $71,578,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $2,530,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 510. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such

transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $5,000,000 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 1996, 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 Act to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, 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.

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, based upon all information available to the U.S. Government that the Government of the Socialist Republic of Vietnam is fully cooperating with the United States in the following four areas:

(1) resolving discrepancy cases, live sightings and field activities.

(2) recovering and repatriating American remains,

(3) accelerating efforts to provide documents that will help lead to fullest possible accounting of POW/MIA's

(4) providing further assistance in implementing trilateral investigations with Laos.

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 under the heading "Fleet Modernization, Shipbuilding and Conversion" may be used to implement sections 603, 604, and 605 of Public Law 102–567.

SEC. 613. None of the funds made available in this Act may be used for "USIA Television Marti Program" under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions of the March 1995 Office of Cuba Broadcasting Reinventing Plan of the United States Information Agency.

SEC. 614. (a)(1) Section 5002 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 401 of title 18, United States Code, is amended by striking out the item relating to the Advisory Corrections Council.

(b) This section shall take effect 30 days after the date of the enactment of this Act.

SEC. 615. 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 provision 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.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $65,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the unobligated balances available under this heading, $60,000,000 are rescinded.

RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

RADIO CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $7,400,000 are rescinded.

TITLE VIII—PRISON LITIGATION REFORM

SEC. 801. SHORT TITLE.

This title may be cited as the "Prison Litigation Reform Act of 1995".

SEC. 802. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.

(a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended to read as follows:

"§3626. Appropriate remedies with respect to prison conditions

"(a) REQUIREMENTS FOR RELIEF.—

"(1) PROSPECTIVE RELIEF.—(A) Prospective relief in any civil action with respect to prison

conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

"(B) The court shall not order any prospective relief that requires or permits a government official to exceed his or her authority under State or local law or otherwise violates State or local law, unless—

"(i) Federal law permits such relief to be ordered in violation of State or local law;

"(ii) the relief is necessary to correct the violation of a Federal right; and

"(iii) no other relief will correct the violation of the Federal right.

"(C) Nothing in this section shall be construed to authorize the courts, in exercising their remedial powers, to order the construction of prisons or the raising of taxes, or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.

"(2) PRELIMINARY INJUNCTIVE RELIEF.—In any civil action with respect to prison conditions, to the extent otherwise authorized by law, the court may enter a temporary restraining order or an order for preliminary injunctive relief. Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the preliminary relief and shall respect the principles of comity set out in paragraph (1)(B) in tailoring any preliminary relief. Preliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the findings required under subsection (a)(1) for the entry of prospective relief and makes the order final before the expiration of the 90-day period.

"(3) PRISONER RELEASE ORDER.—(A) In any civil action with respect to prison conditions, no prisoner release order shall be entered unless—

"(i) a court has previously entered an order for less intrusive relief that has failed to remedy the deprivation of the Federal right sought to be remedied through the prisoner release order; and

"(ii) the defendant has had a reasonable amount of time to comply with the previous court orders.

"(B) In any civil action in Federal court with respect to prison conditions, a prisoner release order shall be entered only by a three-judge court in accordance with section 2284 of title 28, if the requirements of subparagraph (E) have been met.

"(C) A party seeking a prisoner release order in Federal court shall file with any request for such relief, a request for a three-judge court and materials sufficient to demonstrate that the requirements of subparagraph (A) have been met.

"(D) If the requirements under subparagraph (A) have been met, a Federal judge before whom a civil action with respect to prison conditions is pending who believes that a prison release order should be considered may sua sponte request the convening of a three-judge court to determine whether a prisoner release order should be entered.

"(E) The three-judge court shall enter a prisoner release order only if the court finds by clear and convincing evidence that—

"(i) crowding is the primary cause of the violation of a Federal right; and

"(ii) no other relief will remedy the violation of the Federal right.

"(F) Any State or local official or unit of government whose jurisdiction or function includes the appropriation of funds for the construction, operation, or maintenance of program facilities, or the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order shall have standing to oppose the imposition or continuation in effect of such relief and to seek termination of such relief, and shall have the right to intervene in any proceeding relating to such relief.

"(b) TERMINATION OF RELIEF.—

"(1) TERMINATION OF PROSPECTIVE RELIEF.—(A) In any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party or intervener—

"(i) 2 years after the date the court granted or approved the prospective relief;

"(ii) 1 year after the date the court has entered an order denying termination of prospective relief under this paragraph; or

"(iii) in the case of an order issued on or before the date of enactment of the Prison Litigation Reform Act, 2 years after such date of enactment.

"(B) Nothing in this section shall prevent the parties from agreeing to terminate or modify relief before the relief is terminated under subparagraph (A).

"(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In any civil action with respect to prison conditions, a defendant or intervener shall be entitled to the immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.

"(3) LIMITATION.—Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct a current or ongoing violation of the Federal right, extends no further than necessary to correct the violation of the Federal right, and that the prospective relief is narrowly drawn and the least intrusive means to correct the violation.

"(4) TERMINATION OR MODIFICATION OF RELIEF.—Nothing in this section shall prevent any party or intervener from seeking modification or termination before the relief is terminable under paragraph (1) or (2), to the extent that modification or termination would otherwise be legally permissible.

"(c) SETTLEMENTS.—

"(1) CONSENT DECREES.—In any civil action with respect to prison conditions, the court shall not enter or approve a consent decree unless it complies with the limitations on relief set forth in subsection (a).

"(2) PRIVATE SETTLEMENT AGREEMENTS.—(A) Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the limitations on relief set forth in subsection (a), if the terms of that agreement are not subject to court enforcement other than the reinstatement of the civil proceeding that the agreement settled.

"(B) Nothing in this section shall preclude any party claiming that a private settlement agreement has been breached from seeking in State court any remedy available under State law.

"(d) STATE LAW REMEDIES.—The limitations on remedies in this section shall not apply to relief entered by a State court based solely upon claims arising under State law.

"(e) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE RELIEF.—

"(1) GENERALLY.—The court shall promptly rule on any motion to modify or terminate prospective relief in a civil action with respect to prison conditions.

"(2) AUTOMATIC STAY.—Any prospective relief subject to a pending motion shall be automatically stayed during the period—

"(A)(i) beginning on the 30th day after such motion is filed, in the case of a motion made under paragraph (1) or (2) of subsection (b); or

"(ii) beginning on the 180th day after such motion is filed, in the case of a motion made under any other law; and

"(B) ending on the date the court enters a final order ruling on the motion.

"(f) SPECIAL MASTERS.—

"(1) IN GENERAL.—(A) In any civil action in a Federal court with respect to prison conditions, the court may appoint a special master who shall be disinterested and objective and who will give due regard to the public safety, to conduct hearings on the record and prepare proposed findings of fact.

"(B) The court shall appoint a special master under this subsection during the remedial phase of the action only upon a finding that the remedial phase will be sufficiently complex to warrant the appointment.

"(2) APPOINTMENT.—(A) If the court determines that the appointment of a special master is necessary, the court shall request that the defendant institution and the plaintiff each submit a list of not more than 5 persons to serve as a special master.

"(B) Each party shall have the opportunity to remove up to 3 persons from the opposing party's list.

"(C) The court shall select the master from the persons remaining on the list after the operation of subparagraph (B).

"(3) INTERLOCUTORY APPEAL.—Any party shall have the right to an interlocutory appeal of the judge's selection of the special master under this subsection, on the ground of partiality.

"(4) COMPENSATION.—The compensation to be allowed to a special master under this section shall be based on an hourly rate not greater than the hourly rate established under section 3006A for payment of court-appointed counsel, plus costs reasonably incurred by the special master. Such compensation and costs shall be paid with funds appropriated to the Judiciary.

"(5) REGULAR REVIEW OF APPOINTMENT.—In any civil action with respect to prison conditions in which a special master is appointed under this subsection, the court shall review the appointment of the special master every 6 months to determine whether the services of the special master continue to be required under paragraph (1). In no event shall the appointment of a special master extend beyond the termination of the relief.

"(6) LIMITATIONS ON POWERS AND DUTIES.—A special master appointed under this subsection—

"(A) may be authorized by a court to conduct hearings and prepare proposed findings of fact, which shall be made on the record;

"(B) shall not make any findings or communications ex parte;

"(C) may be authorized by a court to assist in the development of remedial plans; and

"(D) may be removed at any time, but shall be relieved of the appointment upon the termination of relief.

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'consent decree' means any relief entered by the court that is based in whole or in part upon the consent or acquiescence of the parties but does not include private settlements;

"(2) the term 'civil action with respect to prison conditions' means any civil proceeding arising under Federal law with respect to the conditions of confinement or the effects of actions by

government officials on the lives of persons confined in prison, but does not include habeas corpus proceedings challenging the fact or duration of confinement in prison;

"(3) the term 'prisoner' means any person subject to incarceration, detention, or admission to any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program;

"(4) the term 'prisoner release order' includes any order, including a temporary restraining order or preliminary injunctive relief, that has the purpose or effect of reducing or limiting the prison population, or that directs the release from or nonadmission of prisoners to a prison;

"(5) the term 'prison' means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

"(6) the term 'private settlement agreement' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil proceeding that the agreement settled;

"(7) the term 'prospective relief' means all relief other than compensatory monetary damages;

"(8) the term 'special master' means any person appointed by a Federal court pursuant to Rule 53 of the Federal Rules of Civil Procedure or pursuant to any inherent power of the court to exercise the powers of a master, regardless of the title or description given by the court; and

"(9) the term 'relief' means all relief in any form that may be granted or approved by the court, and includes consent decrees but does not include private settlement agreements.".

(b) APPLICATION OF AMENDMENT.—

(1) IN GENERAL.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all prospective relief whether such relief was originally granted or approved before, on, or after the date of the enactment of this title.

(2) TECHNICAL AMENDMENT.—Subsections (b) and (d) of section 20409 of the Violent Crime Control and Law Enforcement Act of 1994 are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended to read as follows:

"3626. Appropriate remedies with respect to prison conditions.".

SEC. 803. AMENDMENTS TO CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) INITIATION OF CIVIL ACTIONS.—Section 3(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997a(c)) (referred to in this section as the "Act") is amended to read as follows:

"(c) The Attorney General shall personally sign any complaint filed pursuant to this section.".

(b) CERTIFICATION REQUIREMENTS.—Section 4 of the Act (42 U.S.C. 1997b) is amended—

(1) in subsection (a)—

(A) by striking "he" each place it appears and inserting "the Attorney General"; and

(B) by striking "his" and inserting "the Attorney General's"; and

(2) by amending subsection (b) to read as follows:

"(b) The Attorney General shall personally sign any certification made pursuant to this section.".

(c) INTERVENTION IN ACTIONS.—Section 5 of the Act (42 U.S.C. 1997c) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "he" each place it appears and inserting "the Attorney General"; and

(B) by amending paragraph (2) to read as follows:

"(2) The Attorney General shall personally sign any certification made pursuant to this section."; and

(2) by amending subsection (c) to read as follows:

"(c) The Attorney General shall personally sign any motion to intervene made pursuant to this section.".

(d) SUITS BY PRISONERS.—Section 7 of the Act (42 U.S.C. 1997e) is amended to read as follows:

"SEC. 7. SUITS BY PRISONERS.

"(a) APPLICABILITY OF ADMINISTRATIVE REMEDIES.—No action shall be brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

"(b) FAILURE OF STATE TO ADOPT OR ADHERE TO ADMINISTRATIVE GRIEVANCE PROCEDURE.—The failure of a State to adopt or adhere to an administrative grievance procedure shall not constitute the basis for an action under section 3 or 5 of this Act.

"(c) DISMISSAL.—(1) The court shall on its own motion or on the motion of a party dismiss any action brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.

"(2) In the event that a claim is, on its face, frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief, the court may dismiss the underlying claim without first requiring the exhaustion of administrative remedies.

"(d) ATTORNEY'S FEES.—(1) In any action brought by a prisoner who is confined to any jail, prison, or other correctional facility, in which attorney's fees are authorized under section 2 of the Revised Statutes of the United States (42 U.S.C. 1988), such fees shall not be awarded, except to the extent that—

"(A) the fee was directly and reasonably incurred in proving an actual violation of the plaintiff's rights protected by a statute pursuant to which a fee may be awarded under section 2 of the Revised Statutes; and

"(B)(i) the amount of the fee is proportionately related to the court ordered relief for the violation; or

"(ii) the fee was directly and reasonably incurred in enforcing the relief ordered for the violation.

"(2) Whenever a monetary judgment is awarded in an action described in paragraph (1), a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney's fees awarded against the defendant. If the award of attorney's fees is not greater than 150 percent of the judgment, the excess shall be paid by the defendant.

"(3) No award of attorney's fees in an action described in paragraph (1) shall be based on an hourly rate greater than 150 percent of the hourly rate established under section 3006A of title 18, United States Code, for payment of court-appointed counsel.

"(4) Nothing in this subsection shall prohibit a prisoner from entering into an agreement to pay an attorney's fee in an amount greater than the amount authorized under this subsection, if the fee is paid by the individual rather than by the defendant pursuant to section 2 of the Revised Statutes of the United States (42 U.S.C. 1988).

"(e) LIMITATION ON RECOVERY.—No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.

"(f) HEARINGS.—(1) To the extent practicable, in any action brought with respect to prison conditions in Federal court pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility, pretrial proceedings in which the prisoner's participation is required or permitted shall be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which the prisoner is confined.

"(2) Subject to the agreement of the official of the Federal, State, or local unit of government with custody over the prisoner, hearings may be conducted at the facility in which the prisoner is confined. To the extent practicable, the court shall allow counsel to participate by telephone, video conference, or other communications technology in any hearing held at the facility.

"(g) WAIVER OF REPLY.—(1) Any defendant may waive the right to reply to any action brought by a prisoner confined in any jail, prison, or other correctional facility under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) or any other Federal law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply has been filed.

"(2) The court may require any defendant to reply to a complaint brought under this section if it finds that the plaintiff has a reasonable opportunity to prevail on the merits.

"(h) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".

(e) REPORT TO CONGRESS.—Section 8 of the Act (42 U.S.C. 1997f) is amended by striking "his report" and inserting "the report".

(f) NOTICE TO FEDERAL DEPARTMENTS.—Section 10 of the Act (42 U.S.C. 1997h) is amended—

(1) by striking "his action" and inserting "the action"; and

(2) by striking "he is satisfied" and inserting "the Attorney General is satisfied".

SEC. 804. PROCEEDINGS IN FORMA PAUPERIS.

(a) FILING FEES.—Section 1915 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a) Any" and inserting "(a)(1) Subject to subsection (b), any";

(B) by striking "and costs";

(C) by striking "makes affidavit" and inserting "submits an affidavit that includes a statement of all assets such prisoner possesses";

(D) by striking "such costs" and inserting "such fees";

(E) by striking "he" each place it appears and inserting "the person";

(F) by adding immediately after paragraph (1), the following new paragraph:

"(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from

the appropriate official of each prison at which the prisoner is or was confined."; and

(G) by striking "An appeal" and inserting "(3) An appeal";

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

(3) by inserting after subsection (a) the following new subsection:

"(b)(1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

"(A) the average monthly deposits to the prisoner's account; or

"(B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

"(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds $10 until the filing fees are paid.

"(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.

"(4) In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.";

(4) in subsection (c), as redesignated by paragraph (2), by striking "subsection (a) of this section" and inserting "subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b)"; and

(5) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e)(1) The court may request an attorney to represent any person unable to afford counsel.

"(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

"(A) the allegation of poverty is untrue; or

"(B) the action or appeal—

"(i) is frivolous or malicious;

"(ii) fails to state a claim on which relief may be granted; or

"(iii) seeks monetary relief against a defendant who is immune from such relief.".

(b) EXCEPTION TO DISCHARGE OF DEBT IN BANKRUPTCY PROCEEDING.—Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (16), by striking the period at the end and inserting "; or"; and

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

"(17) for a fee imposed by a court for the filing of a case, motion, complaint, or appeal, or for other costs and expenses assessed with respect to such filing, regardless of an assertion of poverty by the debtor under section 1915 (b) or (f) of title 28, or the debtor's status as a prisoner, as defined in section 1915(h) of title 28.".

(c) COSTS.—Section 1915(f) of title 28, United States Code (as redesignated by subsection (a)(2)), is amended—

(1) by striking "(f) Judgment" and inserting "(f)(1) Judgment";

(2) by striking "cases" and inserting "proceedings"; and

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

"(2)(A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

"(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

"(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.".

(d) SUCCESSIVE CLAIMS.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.".

(e) DEFINITION.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(h) As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".

SEC. 805. JUDICIAL SCREENING.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by inserting after section 1915 the following new section:

"§1915A. Screening

"(a) SCREENING.—The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

"(b) GROUNDS FOR DISMISSAL.—On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint—

"(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or

"(2) seeks monetary relief from a defendant who is immune from such relief.

"(c) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1915 the following new item:

"1915A. Screening.".

SEC. 806. FEDERAL TORT CLAIMS.

Section 1346(b) of title 28, United States Code, is amended—

(1) by striking "(b)" and inserting "(b)(1)"; and

(2) by adding at the end the following:

"(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered while in custody without a prior showing of physical injury.".

SEC. 807. PAYMENT OF DAMAGE AWARD IN SATISFACTION OF PENDING RESTITUTION ORDERS.

Any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, shall be paid directly to satisfy any outstanding restitution orders pending against the prisoner. The remainder of any such award after full payment of all pending restitution orders shall be forwarded to the prisoner.

SEC. 808. NOTICE TO CRIME VICTIMS OF PENDING DAMAGE AWARD.

Prior to payment of any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, reasonable efforts shall be made to notify the victims of the crime for which the prisoner was convicted and incarcerated concerning the pending payment of any such compensatory damages.

SEC. 809. EARNED RELEASE CREDIT OR GOOD TIME CREDIT REVOCATION.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by adding at the end the following new section:

"§1932. Revocation of earned release credit

"In any civil action brought by an adult convicted of a crime and confined in a Federal correctional facility, the court may order the revocation of such earned good time credit under section 3624(b) of title 18, United States Code, that has not yet vested, if, on its own motion or the motion of any party, the court finds that—

"(1) the claim was filed for a malicious purpose;

"(2) the claim was filed solely to harass the party against which it was filed; or

"(3) the claimant testifies falsely or otherwise knowingly presents false evidence or information to the court.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1931 the following:

"1932. Revocation of earned release credit.".

(c) AMENDMENT OF SECTION 3624 OF TITLE 18.—Section 3624(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the first sentence;

(B) in the second sentence—

(i) by striking "A prisoner" and inserting "Subject to paragraph (2), a prisoner";

(ii) by striking "for a crime of violence,"; and

(iii) by striking "such";

(C) in the third sentence, by striking "If the Bureau" and inserting "Subject to paragraph (2), if the Bureau";

(D) by striking the fourth sentence and inserting the following: "In awarding credit under this section, the Bureau shall consider whether the prisoner, during the relevant period, has earned, or is making satisfactory progress toward earning, a high school diploma or an equivalent degree."; and

(E) in the sixth sentence, by striking "Credit for the last" and inserting "Subject to paragraph (2), credit for the last"; and

(2) by amending paragraph (2) to read as follows:

"(2) Notwithstanding any other law, credit awarded under this subsection after the date of enactment of the Prison Litigation Reform Act shall vest on the date the prisoner is released from custody.".

SEC. 810. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996".

And the Senate agree to the same.

HAROLD ROGERS,
JIM KOLBE,
CHARLES H. TAYLOR,
RALPH REGULA,
MIKE FORBES,
BOB LIVINGSTON,
ALAN B. MOLLOHAN,
Managers on the Part of the House.

JUDD GREGG,
MARK O. HATFIELD,
TED STEVENS,
PETE V. DOMENICI,
MITCH MCCONNELL,
JAMES M. JEFFORDS,
THAD COCHRAN,
ERNEST F. HOLLINGS (with reservations),
ROBERT C. BYRD,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and insert the Senate bill. The conference agreement includes a revised bill.

OVERSEAS STAFFING

The conferees agree with the concern expressed in the House report concerning the lack of a system for determining overall allocation of resources and costs among agencies for operations outside of the U.S. Expansion of staffing or presence overseas is to be brought to the attention of the House and Senate Appropriations Committees at the outset of the planning process, well in advance of the proposed use of any appropriated funds, preferably through the annual budget submission. The conferees are intent upon finding the proper way to assure control of the deployment of personnel and resources outside of the U.S.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $74,282,000 for General Administration as provided in both the House and Senate bills. The conference agreement also includes a provision that limits the number of positions and amounts expended for the Department Leadership and Executive Support programs as included by the Senate, but modifies the provision to permit augmentation of the Department Leadership program by reimbursable and non-reimbursable personnel and to allow for continuation of reimbursable positions for the Office of Freedom of Information and Privacy Appeals. The House bill did not contain a provision on this matter.

The conference agreement also assumes elimination of the Office of the Associate Attorney General.

COUNTERTERRORISM FUND

The conference agreement includes $16,898,000 for the Counterterrorism Fund, instead of $26,898,000 as proposed by both the House and Senate bills. The conferees understand that balances of $24,445,000 remain available from the 1995 Supplemental Appropriation, Public Law 104–19, for authorized purposes of this Fund.

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes $86,666,000 for Administrative Review and Appeals as proposed by the Senate, instead of $87,516,000 as proposed by the House. Of this amount, the conference agreement provides that $47,780,000 will be provided from the Violent Crime Reduction Trust Fund (VCRTF) for both expedited asylum and deportation hearings as proposed by the House, instead of providing $14,347,000 from the VCRTF only for expedited deportation hearings as proposed by the Senate. The conferees agree that of the total amount provided, $85,252,000 is included for the Executive Office for Immigration Review and $1,414,000 is included for the Office of the Pardon Attorney.

The conference agreement also includes technical bill language that allows outstanding balances for these programs from prior years to be merged with this new appropriation account.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $28,960,000 for the Office of Inspector General, instead of $30,484,000 as proposed by the House and $27,436,000 as proposed by the Senate.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $5,446,000 for the U.S. Parole Commission as proposed by both the House and Senate bills.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDES TRANSFER OF FUNDS)

The conference agreement includes a direct appropriation of $409,520,000 for General Legal Activities, as proposed by both the House and Senate bills. Of this amount, the conference agreement provides that $7,591,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed by the House, instead of $2,991,000 from the VCRTF as proposed by the Senate, to support immigration initiatives. In addition to this amount, the conferees agreed to provide $12,000,000 by transferring balances available in the Department of Justice Working Capital Fund. Thus, the total amount provided for General Legal Activities is $421,520,000.

Both the House and Senate bills assumed a transfer of General Legal Activities resources to the U.S. Attorneys program. The conference agreement does not includes this transfer of resources. However, the conferees agree that the Attorney General should report to the Committees on Appropriations of both the House and Senate by March 1, 1996, on the transfer of attorneys to field locations of the Environment and Tax Divisions and offices that are co-located with U.S. Attorneys.

The conferees have also agreed that funding for the Community Relations Service activities will not be provided from funds available under the General Legal Activities account, as proposed by the House.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $4,028,000 for fiscal year 1996 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed by both the House and Senate bills.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides $85,143,000 for the Antitrust Division as proposed by both the House and Senate bills. Of the amount provided, the conference agreement assumes, based on latest estimates, that $19,360,000 will be derived from unobligated offsetting collections from the prior year, instead of $16,000,000 as assumed in both the House and Senate bills.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $925,509,000 for the U.S. Attorneys, instead of $911,556,000 as proposed by the House and $939,463,000 as proposed by the Senate. Of this amount, the conference agreement provides that $30,000,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed by the Senate, instead of $14,731,000 from the VCRTF as proposed by the House. The conferees agree that amounts provided from the VCRTF shall be used to support expedited deportation of denied asylum applicants, Federal Victim's Counselors under the Violence Against Women Act, and increased demands for criminal prosecution and related activities.

The conference agreement provides for the following: (1) requested adjustments to base, including restoration of absorption of the 1996 pay raise; (2) $10,000,000 for security upgrades at U.S. Attorneys offices; (3) $2,158,000 for increased prosecution of violators of immigration laws; (4) $9,231,000 from the VCRTF for expedited deportation of denied asylum applicants; (5) $48,083,000 to maintain attorney and support personnel hired in fiscal year 1995 and for additional attorneys and support for violent crime prosecution; and (6) $500,000 to implement a program to appoint Federal Victim's Counselors. The conference agreement does not assume a transfer of resources from the General Legal Activities account to the U.S. Attorneys program, as proposed by the House. In addition, the conferees agree that to the extent possible within the resources provided, the Department of Justice should expand the pilot debt collection program, as stated in the Senate report.

The conference agreement also includes bill language to reflect the total number of positions and full-time equivalent (FTE) employment expected to be supported by the level of resources provided for the U.S. Attorneys in fiscal year 1996. Within the FTE provided, the conferees assume 300 FTE will support student interns. The conferees agree that this language is necessary as a result of the U.S. Attorneys mismanagement which led to the hiring of more employees in 1995 than could be sustained by the resource level provided in fiscal year 1995. The conferees' strong support for the mission of the U.S. Attorneys does not extend to careless hiring and fiscal management practices.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides $102,390,000 in budget (obligational) authority for the U.S. Trustees, instead of $101,596,000 as proposed by the House and $103,183,000 as proposed by the Senate. Of this amount, the conference agreement provides that $44,191,000 will be derived from anticipated offsetting collections. In addition, under section 111, the conferees agree to include an extension of post-confirmation quarterly fee payments made under Chapter 11 as proposed in both the House and Senate bills and expect that these fees will apply to all pending

Chapter 11 cases with confirmed reorganization plans.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides $830,000 for the Foreign Claims Settlement Commission as proposed by the House, instead of $905,000 as proposed by the Senate.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes $448,248,000 for the U.S. Marshals Service, instead of $443,973,000 as proposed by the House and $454,639,000 as proposed by the Senate. Of this amount, the conference agreement provides that $25,000,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed by the House, instead of $15,000,000 from the VCRTF as proposed by the Senate.

The conference agreement provides for the following: (1) requested adjustments to base; (2) $10,000,000 for security upgrades at existing courthouses; (3) $18.209,000 for additional security personnel to staff new and expanded courthouses scheduled to open in 1996; and (4) $11,066,000 for equipment and communications expenses in new courthouse locations. The conferees understand that the Marshals Service funded a number of requirements by reprogramming resources at the end of fiscal year 1995 and thus have not provided funding increases for requested items. The conferees agree that any additional funding for these items, if necessary, should be requested through a reprogramming of resources in fiscal year 1996.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $252,820,000 for Federal Prisoner Detention, instead of $295,331,000 as proposed by the Senate and $250,331,000 as proposed by the House. In addition to this amount, the conferees understand, that based on the latest carryover estimates, an additional $33,511,000 is available for this program from unobligated balances from the prior year. The conferees have also agreed to provide an additional $9,000,000 by transferring balances available in the Department of Justice Working Capital Fund. Thus, total funding provided for this account is $295,331,000.

The conferees have also agreed to change the name of this appropriation from "Support of U.S. Prisoners" to "Federal Prisoner Detention".

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $85,000,000 for Fees and Expenses of Witnesses as proposed by both the House and Senate bills.

COMMUNITY RELATIONS SERVICE

The conference agreement provides $5,319,000 for the Community Relations Service (CRS) instead of $10,638,000 as proposed by the Senate and elimination of this program as a separate account as proposed by the House. The conferees agree that if emergent circumstances require additional funding for Conflict Prevention and Resolution activities of the CRS, the Attorney General may provide resources for these activities within transfer authorities provided under Section 605 of this Act.

The conferees have also agreed that the activities related to the resettlement of Cubans and Haitians should be transferred to the Immigration and Naturalization Service and that the costs of these activities should be supported by the Immigration Examinations Fee account.

ASSETS FORFEITURE FUND

The conference agreement provides $30,000,000 for the Assets Forfeiture Fund instead of $35,000,000 as provided in both the House and Senate bills. This reduction is based on a revised estimate of revenue from forfeited assets that will be available in fiscal year 1996.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

The conference agreement includes $2,655,000 for administrative expenses in accordance with the Radiation Exposure Compensation Act, as proposed by both the House and Senate bills.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

The conference agreement includes an advance appropriation of $16,264,000 for fiscal year 1997 for payments to the Radiation Exposure Compensation Trust Fund, as proposed by both the House and Senate bills.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes $359,843,000 for Interagency Crime and Drug Enforcement as proposed by the Senate, instead of $374,943,000 as proposed by the House.

The conferees recognize that over $76,000,000 of funds requested for this account are for agencies other than Department of Justice (DOJ) agencies and while the conferees have agreed to the level proposed by the Senate they have not allocated the reduction solely to non-DOJ agencies, as proposed by the Senate. Instead, the conferees expect the Office of Investigative Agencies Policy at the Department of Justice to allocate these resources based on current task force requirements and to notify the Committees on Appropriations of both the House and Senate of the proposed distribution of these resources pursuant to the reprogramming requirements in Section 605 of this Act. In addition, the conferees direct the Administration to submit the budget requirements of non-DOJ agencies for fiscal year 1997 within the budgets proposed for those agencies.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $2,407,483,000 for the Federal Bureau of Investigation (FBI), instead of $2,332,081,000 as proposed by the House and $2,506,671,000 as proposed by the Senate. Of this amount, the conference agreement provides that $218,300,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF), instead of $80,600,000 as proposed by the House and $202,500,000 as proposed by the Senate. In addition, the conferees agree that of the amounts provided, not less than $102,345,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security, instead of $121,345,000 as proposed by the Senate.

The conference agreement provides for the following program increase: (1) $1,400,000 for personnel to staff the FBI Command Center; (2) $3,450,000 for FBI Legal Attaches; (3) $25,000,000 for tactical operations development and acquisition program; (4) $8,470,000 for 125 additional FBI staff; (5) $12,500,000 for FBI forensic services, including $9,900,000 to modernize FBI forensic laboratory equipment and $2,600,000 for 75 forensic examiners, technicians and support personnel; (6) $2,900,000 for equipment for Emergency Response Teams; (7) $5,000,000 to upgrade and develop FBI databases on gangs and hostage/barricade situations; (8) $4,000,000 for State, Indian Tribal and local training; (9) $33,400,000 only for research efforts and engineering services to develop new techniques and equipment to perform court-approved wiretaps and interceptions of communications and shall not be used for deployment of any technology that may be developed without authorizing legislation; (10) $3,000,000 for aviation maintenance and equipment; (11) $10,000,000 for wireless radio communications and leasing of antenna sites; (12) $5,000,000 for Safe Street Task Forces; (13) $4,200,000 for FBI's DRUGFIRE program, including equipping of State and local laboratories; and (14) $15,000,000 for FBI's Combined DNA Index System, including $9,500,000 to equip State and local laboratories with this technology.

The conference agreement does not include $28,737,000 requested to fully annualize positions approved in fiscal year 1995 because the FBI failed to hire personnel to fill these additional positions.

FBI international operations.—The conference agreement provides an increase of $3,450,000 for FBI Legal Attache offices. However, the conferees are concerned that the FBI has not adequately presented its short and long term plan for expansion of its international operations and activities. Therefore, the conferees agree that the additional funds provided in this Act may not be expended until a plan for FBI international operations has been developed jointly by the Department of Justice and the Department of State, and has been presented to and approve by the Committees on Appropriations of both the House and Senate consistent with the reprogramming requirements in Section 605 of this Act.

NCIC 2000.—The conferees agree that one of the highest priority projects of Federal, State and local law enforcement is the completion of NCIC 2000. The conferees are aware of delays in the scheduled completion and additional resource requirements that are necessary to bring this vital system on line. The conference agreement therefore ensures that funds will be available for completion of this project by directing balances available in the FBI ADP and Telecommunications account and the Department of Justice Working Capital Fund to be applied to this project. Furthermore, the conferees are aware that the FBI has an additional $34,548,000 in unobligated balances to be transferred into the Department of Justice Working Capital Fund and directs the FBI to transfer this entire amount immediately to the Working Capital Fund to support the NCIC 2000 project and other needs of the Department of Justice.

The conferees direct the Attorney General and the FBI to make oversight of the management of this project and the contractor a top management priority. Upon receiving information that the contract was severely behind schedule and that the cost for completion of the NCIC 2000 project had escalated to almost double the initial cost estimates, the Committees on Appropriations of both the House and Senate urged the FBI to consider a "firm-fixed" contract in its renegotiation process. The conferees are concerned that the FBI has entered into another "cost-plus" contract for this project. Congress has made completion of this project on time and within the resources provided a priority. The Department of Justice and the FBI should do the same. The conferees direct the FBI to provide a quarterly status report on this project and the performance of the contractor.

Similarly, the conferees are concerned about schedule delays within the Integrated Automated Fingerprint Identification System (IAFIS) project. The conferees are particularly concerned that while the FBI will have entered into contracts on each of the four IAFIS segments by the end of this calendar year, it does not appear that the issues related to integration of these components systems have been adequately addressed. Again, the conferees direct the Attorney General and the FBI to make management of this important project a top priority and expect to receive quarterly status reports on the IAFIS project.

CONSTRUCTION

The conference agreement includes $97,589,000 for Construction for the Federal Bureau of Investigation (FBI), instead of $98,400,000 as proposed by the House and $98,800,000 as proposed by the Senate.

The conference agreement provides for the following: (1) $10,000,000 for renovations, equipment and telecommunications upgrades to the FBI Headquarters Command Center; (2) $57,089,000 for architectural design, site planning and the first phase of construction for a new FBI Forensic Laboratory Facility to be located at Ft. Belvoir, Virginia; and (3) $30,500,000 for upgrades to the FBI Training Academy at Quantico, Virginia, including $21,350,000 to fully complete the modernization of the outdoor firing range and the tactical firearms training center and $9,150,000 for necessary maintenance.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $805,668,000 for the salaries and expenses of the Drug Enforcement Administration (DEA) instead of $793,488,000 as proposed by the House, and $850,000,000 as proposed by the Senate. Of this amount, the conference agreement provides that $60,000,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed by the Senate, instead of $12,000,000 as proposed by the House. The conferees also agree that in addition to amounts appropriated, $47,241,000 will be available from the Diversion Control Fund for diversion control activities.

The conference agreement includes the following program increases: (1) $580,000 for DEA's legal attache program; (2) $5,000,000 for contract linguist support; (3) $1,650,000 for advanced telephony; (4) $7,400,000 for office automation; (5) $3,965,000 for 30 new agents for domestic heroin enforcement; (6) $4,950,000 for mobile enforcement teams, including teams to address illicit drug activities in rural areas; (7) $2,000,000 for wireless radio communications; and (8) $2,000,000 for DRUGFIRE systems.

The conference agreement does not include $15,400,000 requested to fully annualize positions approved in fiscal year 1995 because the DEA has failed to hire personnel to fill these additional positions.

The conferees understand that the funding provided for an additional DEA Legal Attache office is a portion of funds necessary to establish a joint FBI/DEA Legal Attache office in Beijing, China. Consistent with funding provided for FBI Legal Attache Offices, the conferees agree that these funds should not be expended by DEA until the Committees on Appropriations have approved the plan for FBI international operations.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes $1,711,023,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), including the Border Patrol, instead of $1,725,023,000 as proposed by the House, and a total of $1,735,796,000 as proposed by the Senate ($1,119,296,000 for INS and $616,500,000 for the Border Patrol). Of the amounts provided, the conference agreement provides $316,198,000 from the Violent Crime Reduction Trust Fund (VCRTF), instead of $303,542,000 as proposed by the House and $175,662,000 as proposed by the Senate. The conferees also agree that in addition to amounts appropriated, $821,447,000 will be available from offsetting fee collections for the purposes outlined in the House and Senate reports. The conferees agree not to include funding for border control activities by doubling the current fee for 245(i) applications. Furthermore, the conferees agree not to implement a border crossing toll as proposed by the Administration.

The conference agreement provides for requested adjustments to base, including the full cost of the pay raise and the following program increases to support enhanced border control, detention and removal of criminal and other deportable aliens, and worksite enforcement and verification:

Border control.—The conference agreement includes 1,420 positions, 614 FTE and $152,172,000 for enhanced border control activities, of which $30,872,000 is from the Violent Crime Reduction Trust Fund, including (1) $83,500,000 for 800 new border patrol agents and 160 support personnel and the reallocation of 200 border patrol agent positions from interior stations to the front lines of the border; (2) $7,100,000 for border technology and an additional helicopter; (3) $20,000,000 for 400 new land border inspectors for the Southern border; (4) $6,000,000 for anti-smuggling units; (5) $4,700,000 for a pilot interior repatriation effort; and (6) $30,872,000 for automated border lookout systems, including a pilot exit control system.

Detention and removal of deportable aliens.—The conference agreement includes an increase of 1,400 positions, 702 FTE and $128,716,000, of which $33,116,000 is from the VCRTF, to apprehend, locate, detain and deport illegal aliens, including: (1) $46,116,000 to fully support the Institutional Hearing Program; (2) $42,700,000 for 418 detention personnel and for over 2,800 additional detention beds; (3) $26,315,000 for 279 deportation personnel to remove abscondees, criminal aliens and illegal aliens who have been denied asylum or apprehended from worksites; (4) $5,200,000 to add warrants for arrest into NCIC 2000 for aliens who are repeat offenders to reentry after deportation; and (5) $8,385,000 for the purchase of new vehicles and transportation costs.

Worksite enforcement and verification.—The conference agreement includes an increase of 384 positions, 192 FRE and $50,444,000, including $40,444,000 for investigations personnel to enhance employer sanctions activities and backfill 200 border patrol agents positions that will be reallocated to border patrol stations along with immediate border, and $10,000,000 to improve the accuracy of INS records and develop pilots for verification systems, including the expansion of the current INS telephone verification systems.

Border control systems modernization.—Within total amounts provided in the Violent Crime Reduction Trust Fund, $153,570,000 is recommended to continue the border systems modernization effort started last year. The conferees agree that within this effort, the INS should conduct a pilot program to collect records of departing passengers and should also extend fingerprint-based identification systems and automated case tracking systems to the entire Southwest border, as stated in the House and Senate reports.

Resource deployment.—The conferees expect that INS will deploy border patrol agent and inspector positions to the Southwest border to support the greatest areas of illegal traffic. The conferees direct INS to assign these new positions as "front-line" employees on the immediate border and to staff inspection lanes for the facilitation of traffic across the border. In addition, as mentioned in the House and Senate reports, the conferees expect INS to ensure that staffing levels at the Miami and Hawaii airports are consistent with past years INS staffing models plus projected passenger increases for fiscal year 1996 and that INS participates in the Unified Port Management Pilot Project. The conferees also expect INS to review the requirements of States and localities in the central region of the country in its allocation of additional personnel for interior enforcement initiatives. The conferees direct INS to consult with the Appropriations Committees of both the House and Senate before a final allocation of all of these positions is determined.

INS Offices of Congressional and Public Affairs.—The conferees have agreed to include language that clarifies the activities to be performed by the INS Offices of Congressional and Public Affairs, as proposed by the Senate.

BORDER PATROL

The conference agreement for the Immigration and Naturalization Service includes $584,800,000 for the Border Patrol, including $78,000,000 to be provided from the Violent Crime Reduction Trust Fund (VCRTF). For the past two years, the conferees agree that the Congress has made resources to hire additional Border Patrol agents a top priority. The conferees are concerned that despite clear guidance from Congress, those resources have in some instances been diverted to other activities within INS. At a time when budgetary resources are scarce and Congress has made difficult choices in order to ensure that funding is provided to maintain the integrity of our Nation's borders, mismanagement of resources by INS cannot be tolerated. To ensure that the funding provided by Congress is used for its intended purpose, the conferees have agreed to add bill language which directs INS to provide the level of funding for the Border Patrol assumed by the conferees in their determination of total funding levels for the INS.

The resource level provided by the conference agreement provides for an additional 1,000 border patrol agents on the front lines of the border by hiring 800 new border patrol agents and reallocating 200 border patrol positions from interior border patrol stations to stations that are on the immediate border. The conferees understand that INS must undertake a significant recruitment and training process in order to hire and train the new agents in addition to over 2,000 other INS employees. Therefore, the conferees expect INS to report to the Committees on Appropriations of the House and Senate on a quarterly basis, its progress and plans in meeting the hiring goals for new border patrol agents. In addition, the conferees urge the Department to seek, on behalf of INS, the allowable waivers from the Office of Personnel Management that would allow INS to reemploy retired (with no loss of retirement pay) Border Patrol agents and investigators, if feasible, in order to meet training and hiring requirements.

The resource level provided by the conference agreement includes $12,000,000 for the

reallocation of 200 border patrol agent positions from interior stations to the front lines of the border. The conferees agree that effective border control is the most important means of controlling illegal immigration and that the INS must utilize its border patrol resources in a way that ensures that apprehension of illegal aliens at the border is its first priority. The conferees also agree that INS can no longer use border patrol resources on functions not directly related to border control. However, the conferees recognize the importance of an INS enforcement presence in parts of the country that have significant populations of illegal immigrants. Rather than close any of these offices, the conferees direct INS to restaff these offices with criminal investigative positions in order to ensure that the interior enforcement activities currently performed in these locations can continue. The conferees also recognize that some of the border patrol agents in these offices may opt to convert to the investigator positions and encourage INS management to consider personnel and relocation issues in implementing this action.

California checkpoints.—The conferees have agreed to eliminate the provision in the House bill that would have closed the border patrol traffic checkpoints in San Clemente and Temecula, California. However, the conferees agree that the current operation of these checkpoints is unacceptable. The conferees agree that the effectiveness of these checkpoints is contingent on full operation of these checkpoints on a continuous 24-hour basis and improvements to the current San Clemente checkpoint to reduce delays and increase the safety of agents, the persons being checked, and nearby communities. Therefore, the conferees have included language that prohibits operation of the checkpoints if the checkpoints are not operated on a continuous 24-hour basis and a commuter lane pilot program to expedite commuter traffic is not established. In addition, the conferees direct INS to immediately make the needed improvements, with $7,500,000 currently available in construction resources, to the San Clemente checkpoint and expect the procurements required to complete these improvements to be made on an expedited basis. The conferees further stipulate that if INS fails to complete these improvements by July 1, 1996, the checkpoint will close immediately until the improvements are completed. However, funds will be available, subject to the reprogramming requirements in section 605 of this Act, to reopen the checkpoint if the Attorney General certifies that exigent circumstances exist. The conferees also expect that INS continue its policy that eliminates high speed pursuits at these checkpoints and direct INS to seek approval by the Committees on Appropriations of both the House and Senate prior to any change in this policy. Furthermore, the conferees direct INS to assign staff to these checkpoints at the full authorized strength and provide additional permanent interior enforcement personnel to Oceanside, Vista, and Carlsbad, California in order to address the problem of alien smuggling operations and related criminal activity in the communities surrounding these checkpoints.

CONSTRUCTION

The conference agreement includes $25,000,000 for Construction for INS, instead of $11,000,000 as proposed by the House and $35,000,000 as proposed by the Senate.

The conference agreement provides for the following: (1) $7,000,000 for border infrastructure improvements; (2) $4,300,000 for a triple fencing pilot project along the San Diego border; (3) $2,700,000 to renovate Charleston Naval Base for a satellite training facility for the Border Patrol; and (4) $11,000,000 for construction costs for the planned joint INS/U.S. Marshals detention facility to be located in Batavia, New York.

Border Patrol training facility.—The Committees on Appropriations of the House and Senate approved a reprogramming for $2,300,000 submitted by the Department of Justice on August 11, 1995, to upgrade and modify facilities at the Charleston Naval Base to meet additional training requirements of the Border Patrol which exceed the capacity of the Federal Law Enforcement Training Center at Glynco, Georgia. The selection of Charleston Naval Base as the new Border Patrol training center was announced by the Department of Justice on July 28, 1995, following a competitive evaluation of several active and former Department of Defense facilities.

Justice Department officials recently informed the House and Senate Appropriations Committee of their desire to establish two INS training facilities, instead of the single Border Patrol facility at Charleston. Their latest proposal would establish a new training facility for INS personnel, other than the border patrol, at Charleston, and a new, separate Border Patrol training facility be constructed at another location.

The conferees have reviewed the most recent Department of Justice proposal and agree that only one additional training facility is necessary to meet INS training requirements for the Border Patrol and that INS should prioritize its remaining training requirements and accommodate this training at the FLETC and through exported training in INS field locations. The conferees have reviewed cost estimates submitted by the Naval Facilities Command and are confident of the accuracy of the Navy's cost estimates and schedule. The conferees question whether a training facility at another location can be constructed more expeditiously and for less cost and believe that the Department has already delayed the process needlessly. Accordingly, the conferees have agreed that construction and modifications at the Charleston Naval Base for the new Border Patrol Training Facility, the site already approved by both the House and Senate Appropriations Committees, should proceed without further delay.

IMMIGRATION EMERGENCY FUND

The conferees have included language in section 605 of this Act, which applies reprogramming requirements to the unobligated balances from prior years of all agencies covered in this Act, including all unobligated balances available in the Immigration Emergency Fund.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes $2,581,078,000 for the salaries and expenses of the Federal Prison System, instead of $2,588,078,000 as proposed by both the House and Senate. Of this amount, the conference agreement provides that $13,500,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF), as proposed by both the House and Senate. The conferees also agree that in addition to amounts appropriated, $47,000,000 will be available from unobligated balances from the prior year, instead of $40,000,000 as assumed in both the House and Senate bills. The amount provided is the full amount requested to activate all facilities that are scheduled to open in 1996 and is to be used for the purposes set forth in the House and Senate reports, including activations and expansions of prisons at the following locations: Beaumont, Texas; Taft, California; Forrest City, Arkansas; Tallahassee, Florida; Milan, Michigan; Lompac, California; Fort Worth, Texas; and Lexington, Kentucky. In addition the conferees agree that funding should also be provided so that facilities located in Yazoo City, Mississippi, and Brooklyn, New York are prepared for activation and to ensure that security is not compromised.

The conferees also agreed to include bill language prohibiting the privatization of Federal prison facilities located in Forrest City, Arkansas and Yazoo City, Mississippi, which were included as part of the Administration's proposal to privatize most future pretrial, minimum, and low security prisons.

National Institute of Corrections.—The conferees recognize the value of and support the continuation of activities and programs of the National Institute of Corrections (NIC). Beginning in fiscal year 1996, funding for NIC shall be included in the Bureau of Prisons Salaries and Expenses budget, Contract Confinement program. The conferees have included $8,000,000 for this purpose. The NIC shall continue to carry out all functions currently performed by the NIC as outlined in sections 4351–5353 of title 18 United States Code, with the exception of its grant program. Because these activities are primarily performed on behalf of State and local entities, the conferees expect the Bureau of Prisons, when practical and to the maximum extent possible, to pursue reimbursement from State and local entities for these services and to present a plan to the Committees on Appropriations of both the House and Senate by June 30, 1996, that outlines a reimbursement structure that will fully support these activities.

Health care privatization demonstration project.—The conferees understand that health care costs are one of the fastest growing components of the Bureau of Prisons budget. The conferees agree that the Bureau of Prisons should develop and provide a plan to the Committees on Appropriations of both the House and Senate by March 1, 1996, to utilize private and other contracts to provide medical care for inmates, including the use of telemedicine and electronic media. The conferees agree that the Bureau of Prisons should conduct a demonstration project at a minimum of one Federal correctional complex beginning in fiscal year 1996 and for the duration of not less than three years as outlined in the Senate report.

BUILDINGS AND FACILITIES

The conference agreement includes $334,728,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners, instead of $323,728,000 as proposed by the House and $349,410,000 as proposed by the Senate. The conference agreement provides for the following program enhancements:

Beaumont, TX, Medium Security Facility	$64,500,000
Western Region, Architectural/Engineering design	11,000,000
Mid-Atlantic Region, Site/Planning and design	12,350,000
Lee County, VA, Medium Security Facility and Camp	96,550,000
Hawaii, Detention Space Site/Planning	14,253,000
Marshals Service Holding Facilities	20,051,000
Health and Safety Renovations	4,526,000

The conferees have agreed to provide funding for one facility in the Western Region, as proposed by the Administration. The conferees direct the Bureau of Prisons to select one of the two sites considered in their long range plan and to notify the Committees on Appropriations of both the House and Senate of this decision, with appropriate justification, by January 15, 1996.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of $3,559,000 for the Federal Prison Industries, as proposed by both the House and Senate bills.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes $302,377,000 for Justice Assistance, instead of $250,377,000 as proposed by the House and $345,245,000 as proposed by the Senate. Of this amount, the conference agreement provides that $202,400,000 shall be derived from the Violent Crime Reduction Trust Fund (VCRTF), instead of $152,400,000 as proposed by the House and $242,900,000 as proposed by the Senate.

The conference agreement provides for the following programs from direct appropriations and the VCRTF:

Direct Appropriation:	
National Institute of Justice	$30,000,000
Defense/Law Enforcement Technology Network	*(7,800,000)*
Bureau of Justice Statistics	21,379,000
Missing Children	5,971,000
Regional Information Sharing System	14,500,000
White Collar Crime Information Center	3,850,000
Management and Administration	24,277,000
Total, Direct Appropriation	99,977,000
Violent Crime Reduction Trust Fund:	
Violence Against Women Act Programs:	
General Grants	130,000,000
Court-Appointed Special Advocate Program	6,000,000
Child Abuse Training Programs for Judicial Personnel	750,000
Grants for Televised Testimony	50,000
Grants to Encourage Arrest Policies	28,000,000
Rural Domestic Violence	7,000,000
National Stalker and Domestic Violence Reduction	1,500,000
Federal Victims Counselors *(included under U.S. Attorneys)*	*(500,000)*
Training Programs	1,000,000
Study of State detadases	200,000
Total, Violence Against Women Act	174,500,000
Substance Abuse Treatment for State Prisoners	27,000,000
Safe Return Program	900,000
Total, Violent Crime Reduction Trust Fund	202,400,000

Defense/law enforcement technology transfer.—The conferees support the efforts of the Departments of Justice and Defense to identify defense and other advanced technologies for law enforcement purposes. The conference agreement provides $7,800,000 to assist the National Institute of Justice in its efforts to adopt technologies for law enforcement purposes. Within this amount, $5,000,000 is provided for continuation of the law enforcement technology network, as proposed by the Senate, and $2,800,000 is to expand the technology commercialization initiative, as proposed by the House.

Missing children.—The conference agreement provides $5,971,000 for the Missing Children Program as proposed by both the House and Senate. The conferees agree that within this amount, consideration be given to the establishment of an exploited child unit within the National Center of Missing and Exploited Children to assist in the nationwide investigation of child sex offenses.

National White Collar Crime Center.—The conference agreement includes $3,850,000 for the National White Collar Crime Center as proposed by the House, instead of $2,100,000 as proposed by the Senate. Of the amount provided, $2,100,000 is for the ongoing operations of the NWCCC and $1,750,000 is for the establishment of a State and local law enforcement support capability for computer crimes.

Management and administration.—The conference agreement provides $24,277,000 for Management and Administration expenses of the Office of Justice Programs. In addition, the budget assumes that up to one percent of the total appropriation for each program funded under the Violent Crime Reduction Trust Fund may be used for management and administration expenses of those programs. The conferees agree with that assumption. Further, if one percent is insufficient to support the administration of these programs, the Attorney General may request an increase in that percentage in accordance with the reprogramming requirements in section 605 of this Act.

Violence Against Women Act Programs.—The conference agreement provides $175,000,000 for Violence Against Women Act programs as proposed by the Senate, instead of $125,000,000 as proposed by the House. Of the total provided, $500,000 is included under the U.S. Attorneys appropriation for Federal Victim's Counselors. The conference agreement also includes language as proposed by the Senate, to clarify that funds provided for Grants to Combat Violence Against Women and to Encourage Arrest Policies are provided to States, units of local governments and Indian Tribal governments.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes $3,393,200,000 for State and Local Law Enforcement Assistance, instead of $3,333,343,000 as proposed by the House and $3,487,100,000 as proposed by the Senate. Of this amount, the conference agreement provides that $3,005,200,000 shall be derived from the Violent Crime Reduction Trust Fund (VCRTF), instead of $3,283,343,000 as proposed by the House and $3,147,100,000 as proposed by the Senate.

The conference agreement provides for the following programs from direct appropriations and the VCRTF:

Direct Appropriation	
Byrne Discretionary Grants	$60,000,000
Byrne Formula Grants	328,000,000
Total Direct Appropriations	388,000,000
Violent Crime Reduction Trust Fund:	
Byrne Formula Grants	147,000,000
Local Law Enforcement Block Grant	1,903,000,000
Upgrade Criminal History Records (Brady Bill)	25,000,000
State Prison Grants	617,500,000
Alien Incarceration	*(200,000,000)*
Cooperative Agreement Program	*(12,500,000)*
State Criminal Alien Incarceration Program	300,000,000
DNA Identification Grants	1,000,000
Information Technology Grants	9,000,000
Law Enforcement Family Support Programs	1,000,000
Tuberculosis in Prisons	200,000
Gang Information System	1,000,000
Motor Vehicle Theft Prevention	500,000
Total, Violent Crime Reduction Trust Fund	3,005,200,000

Edward Byrne grants to States.—The conference agreement provides $535,000,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which $60,000,000 is for discretionary grants and $475,000,000 is provided under the Violent Crime Reduction Trust Fund for formula grants under this program.

Byrne discretionary grants.—The conference agreement provides $60,000,000 for discretionary grants under Chapter A of the Edward Byrne Memorial State and Local Assistance Program, instead of $50,000,000 as proposed by the House and $80,000,000 as proposed by the Senate. Within the amount provided, the conferees expect the Bureau of Justice Assistance (BJA) to provide:

$28,500,000 for the Weed and Seed program;

$4,000,000 for State and local law enforcement activities related to the 1996 Olympic Games;

$3,000,000 for the National Crime Prevention Council to continue and expand the National Citizens Crime Prevention Campaign (McGruff);

$1,750,000 to continue and expand the Drug Abuse Resistance Education (DARE) program;

$2,000,000 for continued funding for the Washington Metropolitan Area Drug Enforcement Task Force;

$1,000,000 for continued funding for the National Judicial College;

$4,350,000 for a grant to the Boys and Girls Clubs of America; and

$1,000,000 to SEARCH Group, Inc. to continue and expand the National Technical Assistance Program, which provides support to State and local criminal justice agencies to improve their use of computers and information technology.

Within the available resources the conferees also urge BJA to favorably consider funding for the Centers of Excellence on Violence Prevention; the National Night Out Program; and the Center of Advanced Support in Technology for Law Enforcement (CASTLE), as stated in the Senate report.

State identification grants.—The conference agreement does not include $60,000,000 or authorize a new State Technology Grant program as proposed by the Senate under section 119. The conferees understand the intent of the program is to grant funds to State and local governments to upgrade their criminal justice identification systems for linkage to national databases such as the Integrated Automated Fingerprint Identification System (IAFIS), NCIC 2000, ballistics testing systems, and DNA Identification Systems. However, the conferees also understand that the two primary systems, IAFIS and NCIC 2000, are not scheduled to be on-line until 1988. Thus, providing funding for State linkages to these systems at this time is premature. However, the conferees recognize that State and local governments could benefit from systems upgrades and linkages for ballistics testing and DNA identification and analysis. Therefore, the conference agreement provides a total of $21,000,000 under the FBI and DEA for the FBI's DNA CODIS system and DRUGFIRE system, including funding for State systems upgrades. In addition, $10,000,000 is provided under the Violent Crime Reduction Trust Fund for Information Technology and DNA identification grants and $25,000,000 is provided to upgrade criminal history records in order to implement the National Instant Criminal Background Check System (NICS), resulting from the Brady Handgun Violence Prevention Act.

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

Local law enforcement block grant.—The conference agreement includes $1,903,000,000 for a Local Law Enforcement Block Grant program, as proposed by the House, instead of $1,690,000,000 for the Community Policing Program, $100,000,000 for Drug Courts, $10,000,000 for rural law enforcement, $2,000,000 for the Ounce of Prevention Council and $30,000,000 for crime prevention programs, as proposed by the Senate.

The Local Law Enforcement Block Grant will provide resources directly to local communities to permit them to combat violent crime according to their local needs and priorities. This includes putting more police on America's streets. The conferees have included language encouraging localities to use funding provided under this block grant to hire additional police and to build on the police hiring initiative funded in fiscal year 1995. the block grant requires a local match of 10 percent, as compared to 25 percent under the Community Policing Program, thereby enabling more communities to hire police.

The conference agreement provides that the funding will be distributed for this block grant to local governments by using the outline provided in H.R. 728, as passed by the House of Representatives on February 14, 1995, with some modifications, and may be used at the discretion of local governments for the following purposes:

(1) Hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel;

(2) Paying overtime to presently employed law enforcement officers and necessary support personnel;

(3) Procuring equipment, technology, and other material directly related to basic law enforcement functions;

(4) Enhancing security measures in and around schools and any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime;

(5) Establishing or supporting drug courts;

(6) Enhancing the adjudication process of cases involving violent juvenile offenders; and

(7) Establishing multi-jurisdictional task forces, particularly in rural areas, composed of Federal and local law enforcement officials to prevent and control crime.

The conferees have also included language that clarifies that the types of prevention programs allowed under the law enforcement block grant are programs that involve cooperation between community residents and law enforcement in order to control, detect, or investigate crime or to prosecute criminals. Examples of these programs currently used in many local communities which have high rates of success include the Drug Abuse Resistance Education (DARE) program, National McGruff Network programs, Boys and Girls Clubs of America, and other direct police-sponsored programs such as neighborhood watch programs. The conferees have also included as an allowable use under the block grant the purchase of insurance to indemnify sworn law enforcement officers subjected to legal action as a result of the discharge of their duty, in cases where the officer acted in good faith and in a manner in which the officer reasonably believed to be in the best interest of public safety. In addition, the conference agreement provides that $10,000,000 of the total amount provided will be available for educational expenses under the Police Corps program.

National instant criminal background check system.—The conference agreement provides $25,000,000 for states to upgrade criminal history records as required under the Brady Bill and for the FBI to complete development of the national instant criminal background check system, as proposed by both the House and Senate.

State prison grants.—The conference agreement provides $617,500,000 for State Prison Grants pursuant to section 114 of this Act which amends the Prison Grant program included in the Violent Crime Control and Law Enforcement Act of 1994. Of this amount, $200,000,000 is provided for reimbursement to States for the incarceration of criminal aliens and $12,500,000 is provided for the Cooperative Agreement Program. The remaining $405,000,000 is intended for General Grants and Truth-in-Sentencing Grants and administration of the program and includes a $1,215,000 set-aside for Indian Tribes to build corrections facilities.

State Criminal Alien Assistance Program.—The conference agreement provides $300,000,000 for the State Criminal Alien Assistance Program for reimbursement to States for the costs of incarceration of criminal aliens, as proposed by both the House and Senate. In addition to this amount the conferees have also agreed to provide $200,000,000 for this purpose under the State Prison Grants program, as proposed by the House. Thus, the conferees recommend a total of $500,000,000 for reimbursement to states for alien incarceration, as proposed by the House. The conferees have also agreed to provide this funding pursuant to section 242(j) of the Immigration and Nationality Act as proposed by the Senate, instead of pursuant to section 501 of the Immigration Reform and Control Act of 1986, as proposed by the House, so that funds will also be available for political subdivisions of the State.

Youthful offender incarceration grants.—The conference agreement provides funding for youthful offender incarceration grants as an allowable use under the State Prison Grant program. Therefore, funding is not included under this separate program as proposed by both House and Senate.

DNA identification State grants.—The conference agreement includes $1,000,000 for DNA Identification State Grants, as proposed by both the House and Senate.

Improved training and technology/automation grants.—The conference agreement provides $9,000,000 for Improved Training and Technical Automation Grants, as proposed by the Senate, instead of $10,000,000 as proposed by the House. As stated in the House report, the conferees expect that within the overall amounts recommended, the Office of Justice Programs will examine the following proposals, provide grants if warranted, and report to the Committees on Appropriations of the House and Senate on its intentions for each proposal: (1) North Carolina fingerprint system, and (2) San Francisco communication system.

Law Enforcement Family Support Programs.—The conference agreement includes $1,000,000 for law enforcement family support programs, as proposed by the House, instead of $1,200,000 as proposed by the Senate.

Treatment of tuberculosis in correctional institutions.—The conference agreement provides $200,000 for treatment of tuberculosis in State and Federal Correctional institutions, as proposed by the House.

Gang investigation coordination and information collection.—The conference agreement includes $1,000,000 for improved information collection on gang investigations as proposed by both the House and Senate. The conferees are aware that the Regional Information Sharing System (RISS) is developing gang databases for use by State and local law enforcement agencies and encourage the Office of Justice Programs to utilize the RISS network to enhance the collection of gang investigative information.

Motor vehicle theft prevention.—The conference agreement includes $500,000 for grants to combat motor vehicle theft as proposed by the House, instead of $1,100,000 as proposed by the Senate.

WEED AND SEED PROGRAM FUND

The conference agreement includes $28,500,000 for the Weed and Seed program, instead of $23,500,000 as proposed by the House and $43,500,000 as proposed by the Senate. The conferees agree that the total amount provided shall be derived from discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs. Within the amounts provided, the conferees expect that $270,000 will be provided to the Gospel Mission of Washington, D.C., for the purpose of renovating the former Fulton Hotel and converting it into a drug treatment center for women.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $148,500,000 for Juvenile Justice programs as proposed by the House, instead of $168,500,000 as proposed by the Senate. The conferees have agreed to eliminate a provision proposed by the House that provided $10,000,000 of discretionary grants under this program to be used for the Weed and Seed program. The conferees suggest that these funds be used to enhance grants addressing youth gangs and related violence and have therefore agreed to also eliminate a provision proposed by the Senate that provided an additional $20,000,000 for youth gang prevention from discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

Juvenile justice and delinquency prevention.—Of the total amount provided, $144,000,000 is

for grants and administrative expenses for Juvenile Justice and Delinquency Prevention (JJDP) programs including:

1. $5,000,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. $70,000,000 for Formula Grants for assistance to State and local programs (Part B).

3. $25,000,000 for Discretionary Grant for National Programs and Special Emphasis Programs (Part C). Within the amount provided for Part C discretionary grants, the conferees expect the OJJDP to provide:

$2,300,000 to continue and expand the National Council of Juvenile and Family Courts which provides continuing legal education in family and juvenile law;

$1,000,000 for the Teens, Crime and the Community program; and

$250,000 for the Low Country Children's Center.

In addition, the conferees also expect OJJDP to examine each of the following proposals included in the House and Senate reports, to provide grants if warranted, and to report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal:

A grant to the Santa Fe Boys and Girls Club;

A grant to the Mable Dodge Lujan Foundation in Taos, New Mexico;

A grant to the Kids Peace national Center for Kids for its Intensive Treatment Family Program;

A grant to Parents Anonymous Inc.;

A grant to continue funding for an Institute for Families in Society Study; and

A grant to the Institute on Violence and Destructive Behavior.

4. $10,000,000 to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes.

5. $10,000,000 for Discretionary Grants for State Challenge Activities (Part E) to increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities designed to improve various aspects of a State's juvenile justice and delinquency prevention programs.

6. $4,000,000 for the Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk youth through the use of mentors by bringing together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors.

7. $20,000,000 for Incentive Grants for Local Delinquency Prevention Programs (Title V), to units of general local government for delinquency prevention programs and other activities for at-risk youth.

Victims of Child Abuse Act.—The conference agreement includes $4,500,000 for the various programs authorized under the Victims of Child Abuse Act (VOCA). In addition, funding of $6,750,000 is provided for Victims of Child Abuse programs under the Violence Against Women Programs funded by the Violent Crime Reduction Trust Fund. The following programs are included in the recommendation:

$4,500,000 to Improve Investigations and Prosecutions (Subtitle A) as follows:

$500,000 to establish Regional Children's Advocacy Centers, as authorized by section 213 of VOCA.

$2,000,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA.

$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA.

$500,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes $2,134,000 for Public Safety Officers benefits as proposed by both the House and the Senate bills.

DEPARTMENT OF JUSTICE

GENERAL PROVISIONS

The conference agreement includes the following general provisions for the Department of Justice:

Section 101.—The conference agreement includes section 101 as proposed by both the House and Senate, which makes up to $45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Sec. 102.—The conference agreement includes section 102 as proposed by both the House and Senate, which continues certain authorities for the Justice Department in fiscal year 1996 that were contained in the Department of Justice Authorization Act, fiscal year 1980.

Sec. 103.—The conference agreement includes section 103 as proposed by both the House and Senate, which prohibits the use of funds to perform abortions in the Federal Prison System.

Sec. 104.—The conference agreement includes section 104 as proposed by both the House and Senate, which prohibits use of the funds in this bill to require any person to perform, or facilitate the performance of, an abortion.

Sec. 105.—The conference agreement includes section 105 as proposed by both the House and Senate, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Sec. 106.—The conferees have agreed to modify section 106 as proposed by both the House and Senate, which allows the Department of Justice to spend up to $10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed $2,000,000 per award, in order to clarify that the provision relates to rewards that are publicly-advertised and offered to the general public.

Sec. 107.—The conference agreement includes section 107 as proposed in the Senate bills, which allows the Department of Justice, subject to reprogramming procedures, to transfer up to 5 percent between any appropriation, but limits to 10 percent the amount that can be transferred into any one appropriation. The House bill excluded the Office of Justice Programs, Justice Assistance account from this authority.

Sec. 108.—The conference agreement includes section 108 as proposed in the House and Senate bills, which allows the Federal Prison System's Commissary Fund to invest amounts not needed for operations of the United States.

Sec. 109.—The conference agreement includes section 109 as proposed in the House and Senate bills, that allows balances remaining in the Assets Forfeiture Fund after September 30, 1995 to be available to the Attorney General for any authorized purpose of the Department of Justice.

Sec. 110.—The conference agreement includes section 110 as proposed in the Senate bill, which prohibits the transfer of Justice Department funds in fiscal year 1996 and hereafter, to other Departments and the Office of Management and Budget. The House bill prohibited this transfer only for fiscal year 1996.

Sec. 111.—The conference agreement includes section 111 as proposed in the House and Senate bills, which extends the quarterly fee payments for debtors under Chapter 11 of the Bankruptcy Code to include the period from when a reorganization plan is confirmed by the Bankruptcy Court until the case is converted or dismissed. The conferees intend that this fee will apply to both pending and new cases.

Sec. 112.—The conference agreement includes section 112 as proposed in the House and Senate bills, that continues the undercover operations authorities for the FBI and DEA for one year. No new authorities are provided.

Sec. 113.—The conference agreement includes section 113 as proposed in the House and Senate bills, that allows the user fee surcharge currently collected by the FBI to defray automation costs related to the development of the NCIC 2000 and Uniform Crime Report systems in addition to costs of the fingerprint identification system.

Sec. 114.—The conferees have agreed to include section 114 and have revised the language proposed in the Senate bill which authorizes a new Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program to replace the program currently authorized in Title II of the Violent Crime Control and Law Enforcement Act of 1994. The House bill referenced the Prison Grant program authorized under H.R. 667 as passed by the House on February 10, 1995, for resources provided for this grant program under the Violent Crime Reduction Trust Fund Programs, State and Local Law Enforcement Assistance.

The conferees agree that the Prison Grant program should reward and provide an incentive to States that are taking the necessary steps to keep violent criminals off the streets. The conferees further agree that the program currently authorized in the Violent Crime Control and Law Enforcement Act of 1994 fails to provide an adequate incentive because it allows fifty percent of the funds to be awarded to States even if they have not moved toward truth-in-sentencing and even if they have not increased the percentage of convicted violent offenders sentenced to prison or the time served.

The revised language included in this section authorized $10,270,000,000 for fiscal years 1996 through 2000 for States to build or expand correctional facilities for the purpose of incarcerating criminals convicted of Part I violent crimes, or persons adjudicated delinquent for an act which if committed by an adult, would be a Part I violent crime. It does not allow funds to be used to operate prisons as provided in the current program and it requires a 10-percent match by the State instead of a 25-percent match as included in the current program. The conferees agree that in developing criteria for determining the eligibility for funding to build or expand bedspace, the Department of Justice should include a requirement that States demonstrate the ability to fully support, operate and maintain the prison for which the State is seeking construction funds.

The provision would establish two grant programs to States: (1) General grants which will receive one-third of the funds, and (2) Truth-in-Sentencing grants which will receive two-thirds of the funds; except when the appropriation exceeds $750,000,000 for the Prison Grant program in which case each grant program will receive 50 percent of the funds. The conference agreement increases the minimum grant award to 0.6 percent for General grants and to 2.0 percent or 2.5 percent for Truth-in-Sentencing grants (depending on the number of States qualifying for Truth-in-Sentencing grants). A State would qualify for a General grant if it practices indeterminate sentencing and since 1993 has increased the percentage of persons convicted of a Part I violent crime sentenced to prison and increased the average time served in the State for offenses of murder, rape, and robbery under the State's sentencing and release guidelines for such offenses. A State also would qualify for a General grant if it does not practice indeterminate sentencing but since 1993 it has increased the percentage of convicted violent offenders sentenced to prison, increased the average length of such offenders given sentences, and required that such offenders actually serve a higher percentage of their sentences. A State would qualify for a Truth-in-Sentencing grant if it has enacted truth-in-sentencing laws which require criminals convicted of Part I violent crimes to serve at least 85 percent of their sentences. A State also would qualify for Truth-in-Sentencing grants if it practices indeterminate sentencing and it can demonstrate that the average time served for Part I violent crimes in the State equals at least 85 percent of the sentence established under the State's sentencing and release guidelines.

Other provisions of the new authorization require that States share up to 15 percent of the funds received with counties and other units of local government for the construction and expansion of correctional facilities, including jails, to the extent that such units of local government house State prisoners due to States carrying out the policies of the Act. In addition, under exigent circumstances, States may also use funds to expand juvenile correctional facilities, including pretrial detention facilities and juvenile boot camps. States are also required to implement policies that provide for the recognition of the rights and needs of crime victims to be eligible for grants. The authorization also includes the availability of appropriations to reimburse States that satisfy truth-in-sentencing requirements for the incarceration of criminal aliens. In addition, funds are available, to the extent they are appropriated, for the Cooperative Agreement Program for the short-term housing of Federal prisoners in State institutions and a set-aside program has been included for Indian tribes to build correctional facilities.

Sec. 115.—The conference agreement includes section 115 as proposed by the Senate which allows the Federal Prison System to enter into contracts and other agreements with private entities for a multi-year period for the confinement of Federal prisoners.

The conferees have agreed not to include section 116 as proposed by the Senate, which would have provided the Federal Bureau of Investigation with the same overseas danger pay authority currently provided to the Drug Enforcement Administration.

The conferees have agreed not to include section 117 as proposed by the Senate, which would have removed restrictions on the commercial sale of goods and services produced or provided by the Federal Prison Industries if the President certified that the sale of such goods or services would not result in the loss of jobs in the private sector or adversely affect the sale of private sector goods or services sold on a local or regional basis.

Sec. 116.—The conference agreement includes section 118 as proposed by the Senate and changes the number to section 116, which amends the National Voter Registration Act of 1993 to exempt States which have adopted same-day registration laws prior to August 1, 1994, rather than March 11, 1993, as in current law.

The conferees have agreed not to include section 119 as proposed in the Senate bill which would have provided authorization for a new State grant program for identification systems and would have appropriated $60,000,000 for this program under the Office of Justice Programs.

The conferees have agreed not to include section 120 as proposed in the Senate bill which would have required the Attorney General to reserve not less than two percent, but not more than three percent of the funds appropriated for the Local Crime Prevention Block Grant program, the Weed and Seed program, and the Youth Gang program under Juvenile Justice, to conduct a comprehensive evaluation of the effectiveness of these programs.

However, the conferees are aware that there is a diverse group of programs funded by the Department of Justice to assist State and local law enforcement and communities in preventing crime. The conferees are concerned that there has not been a recent comprehensive evaluation of the effectiveness of all of these programs and expects that nine months after enactment of this Act, the Attorney General shall provide to the Committees on Appropriations of both House and Senate, a thorough evaluation of the crime programs funded by the Office of Justice Programs, with special emphasis on factors that relate to juvenile crime and the effect of these programs on youth violence.

The conferees further expect that research for this evaluation will (1) be provided directly or through grants and contracts, (2) be independent in nature, and (3) employ rigorous and scientifically recognized standards and methodologies. It is further expected that the evaluation will measure, but shall not be limited to: (a) reductions in delinquency, juvenile crime, youth gang activity, youth substance abuse, and other high risk factors; (b) reductions in the risk factors in the community, schools, and family environments that contribute to juvenile violence; and (c) increases in the protective factors that reduce the likelihood of delinquency and criminal behavior.

Sec. 117.—The conference agreement includes section 121 as proposed by the Senate and changes the number to section 117, which prohibits the use of voter registration cards by any Federal agency as proof of citizenship.

The conferees have agreed not to include section 122 as proposed by the Senate which would have required the reimbursement to localities for the incarceration of criminal aliens for both 1996 and 1995 expenses. However, the conferees have agreed to provide funding for the State Criminal Alien Assistance Program pursuant to section 242(j) of the Immigration and Nationality Act as proposed by the Senate, so that funds provided in 1996 will be available for political subdivisions of the State. This change is included under Violent Crime Reduction Programs, State and Local Law Enforcement Assistance.

Sec. 118.—The conference agreement includes section 123 as proposed by the Senate and changes the number to section 118, which gives the Administrator of the Drug Enforcement Administration the same authority provided to the Director of the Central Intelligence Agency and the Director of the FBI to use a government vehicle for home to work transportation.

Sec. 119.—The conference agreement includes new language that authorizes the U.S. Foreign Claims Settlement Commission to receive and determine the validity and amounts of claims by U.S. nationals against the Federal Republic of Germany covered by article 2(2) of the Agreement Between the United States and Germany Concerning Final Benefits to Certain United States Nationals Who Were Victims of National Socialist Measures of Persecution, which became enforceable September 19, 1995. In deciding claims under subsection (a) of this section, the conferees intend that the Foreign Claims Settlement Commission consider on the merits the claim of any person who has not benefited from the compensation provided under article 2(1) of the agreement. In applying the criteria set forth in article 1 of the agreement, the conferees expect the Commission will determine whether an institution should be considered a "concentration camp" based on whether the institution is recognized by relevant authorities as a concentration camp or whether conditions at the institution in question were comparable to conditions at a recognized concentration camp.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $20,889,000 for salaries and expenses of the Office of the United States Trade Representative, the amount proposed in the Senate bill, and $60,000 below the amount proposed in the House bill.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $40,000,000 for the salaries and expenses of the International Trade Commission (ITC) for fiscal year 1996, instead of $42,500,000 as proposed by the House and $34,000,000 as proposed by the Senate.

The conferees expect ITC to apply any necessary staffing reductions proportionately to all agency offices, including program as well as administrative support offices.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $264,885,000 for the operations and administration of the International Trade Administration for fiscal year 1996 as proposed by the House, instead of $266,079,000 as proposed by the Senate. The following table reflects the distribution of these funds by activity agreed to by the conferees:

Trade Development	$56,485,000
Int'l Economic Policy	18,400,000
Import Administration	29,200,000
U.S. & F.C.S.	162,600,000
Carryover	−2,000,000
Total, ITA	264,885,000

The conferees intend that this distribution be used as the basis for any proposed reprogramming of funds under this account.

The conferees concur with the language included in the House report regarding the Office of Textiles and Apparels, the National Textile Center, and the Textile/Clothing Technology Corporation. Amounts provided for Trade Development include funding for each of these items in accordance with the House report. The conference agreement includes $1,500,000 for the Market Development Cooperator Program under Trade Development. Therefore, Trade Development operations are maintained at current services levels.

The conferees expect the funds provided for the Import Administration to support a personnel level sufficient to support the enforcement of trade laws.

The conferees intend that amounts provided above the base for the U.S. and Foreign Commercial Service are for domestic field restructuring and expansion of the Commercial Service in the big emerging markets.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $38,604,000 for the Bureau of Export Administration (BXA) as proposed by the Senate, instead of $38,644,000 as proposed by the House. In addition, the conference agreement includes a new proviso, not in either bill, allowing payments and contributions collected and accepted for materials or services provided to support export administration activities to be retained for use in covering the cost of such activities.

The conferees understand that BXA maintains carryover balances of approximately $3,000,000, and expect the Department to submit a notification of the proposed use of these carryover amounts in accordance with section 605 of this Act.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $328,500,000 for the Economic Development Administration grant programs as proposed by the House instead of $89,000,000 as proposed by the Senate.

The following table shows the distribution of these funds by activity as agreed to by the conferees:

Public Works (Title I)	$165,200,000
Planning	24,400,000
Technical Assistance	9,900,000
Defense Conversion	90,000,000
Economic Adjustment (Title IX)	30,000,000
Trade Adjustment Assistance	8,500,000
Research and Evaluation	500,000

The conference agreement increases amounts for Economic Adjustment (Title IX) above the request in order to provide assistance to communities impacted by economic dislocations such as reduced timber harvests on Bureau of Land Management and Forest Service lands and coal industry downswings. Expenditure of funds provided over the amount of the request for this activity shall be subject to the reprogramming procedures outlined in section 605 of the accompanying Act.

SALARIES AND EXPENSES

The conference agreement includes $20,000,000 for salaries and expenses for the EDA as proposed by the House instead of $11,000,000 as proposed by the Senate. The conferees expect EDA to use either the Salaries and Expenses appropriation or the revolving fund (under 42 U.S.C. 3143) to pay the salaries and expenses of the EDA Liquidation Division.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $32,000,000 for the programs of the Minority Business Development Agency (MBDA) as proposed by the House instead of $32,789,000 as proposed by the Senate. In addition, the conferees have deleted language included in the Senate bill which would have transferred $1,000,000 of prior year unobligated balances under this account to a new Commerce Reorganization Transition Fund.

The conferees endorse language included in the House report regarding funding for programs that further minority business participation in technology commercialization. Further, the conferees expect MBDA to reduce FTE in order to achieve an appropriate ratio of support staff to total program level.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $2,000,000 for the salaries and expenses of the U.S. Travel and Tourism Administration as proposed by the House instead of $12,000,000 as proposed by the Senate. These funds are to remain available through December 31, 1995.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conferees have provided $45,900,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account instead of $40,000,000 as proposed by the House and $46,896,000 as proposed by the Senate.

ECONOMIC AND STATISTICS ADMINISTRATION REVOLVING FUND

The conference agreement includes language allowing the dissemination of economic and statistical data products as full cost as proposed in both the House and Senate bills.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

The conference agreement includes $133,812,000 for the Bureau of the Census Salaries and Expenses account as proposed by the Senate instead of $136,000,000 as proposed by the House. Within the amounts provided, the conferees expect the Bureau to continue the initiative to restructure standard industrial codes.

PERIODIC CENSUSES AND PROGRAMS

The conferees have provided $150,300,000 for the Census Bureau's Periodic Censuses and Programs account instead of $135,000,000 as proposed by the House and $193,450,000 as proposed by the Senate.

The conferees have included the following amounts for Census programs:

Economic Censuses	$25,000,000
Census of governments	2,000,000
Census of agriculture	10,000,000
Intercensal Demographic estimates	5,000,000
Decennial Census	50,000,000
Continuous measurement	9,000,000
Sample redesign	3,000,000
CASIC	4,000,000
Geographic support	36,000,000
Data processing systems	12,000,000
Less Deobligations	−3,100,000
Less carryover	−2,600,000
Total	150,300,000

The conferees intend that this distribution be used as the basis for any proposed reprogramming of funds in accordance with section 605 of this Act.

The amount provided under this account reflects the conferees' continuing concerns with the inability of the Census bureau to recognize budgetary realities. The Bureau is preparing to undertake the Year 2000 decennial census during a time of severe budget constraints within the Federal government. It is critical that the Bureau act now to reprioritize statistical needs and to streamline operations in order to function within these fiscal constraints. The conferees are concerned that the Bureau and the Department have failed to submit a proposal, requested in the House report, on reprioritization of statistical programs and possible program eliminations. The conferees believe that this review is critical, and expect the Department to submit this proposal to the House and Senate Committees on Appropriations no later than January 15, 1996.

Further, the conferees are disturbed that the Bureau continues to exceeds its full-time equivalent employment (FTE) ceiling. While the conferees understand the cyclical nature of the Bureau's programs, this continuing coverage is of particular concern since it has occurred during the Bureau's low point in the ten year census cycle. According to the National Research Council's report on census modernization, between 1970 and 1990 the cost of Bureau headquarters management increased from $30,000,000 to $105,000,000, a 350 percent increase, and headquarters staff increased by almost 3,000 FTE, a 67 percent increase. The conferees believe that there are areas which can and must be streamlined and reduced. The conferees expect the Bureau to include in the aforementioned report an explanation of the cause, cost, and duration of the FTE ceiling coverage and its plans to remedy this situation.

Census 2000.—The conferees continue to be concerned about progress related to the next decennial census. The Appropriations Committee of the House and Senate have for several years cautioned the Bureau that the cost of the Year 2000 Census had to be kept in check, and that only through early planning and decision making could costs be controlled.

The conferees recognize the fiscal year 1996 is a critical year in planning for the decennial census, and that numerous decisions will be made and preparations taken which will have a significant bearing on the overall cost of conducting the census, as well as the design selected. In light of the impact these decisions will have on future appropriations in an era of shrinking resources, the conferees expect the Bureau to consult with the House and Senate Committees on Appropriations, as well as the appropriate authorizing committees, and to submit a notification in accordance with section 605 of the accompanying Act before implementing plans for the Year 2000 Census final design, methodology, content, and pre-census and post-census operations.

In addition, the conferees expect the Bureau to include in its report to the Committees, as described above, a response to the serious issues raised by the National Research Council concerning cost increases surrounding the 1990 Census and its plans to avoid such increases in the Year 2000 Census. The specific raised by the NRC to be addressed in this report include: (1) dramatic increases in census headquarters staffing and costs; (2) data collection cost increases; (3) data processing cost increases; (4) data dissemination costs; and (5) census testing costs.

Finally, the conferees are disappointed that the Bureau has failed to act on the stipulation included in the fiscal year 1995 House

report directing the Bureau to work to obtain reimbursement from other Federal agencies for the costs associated with obtaining information on the decennial census. The conferees expect the Bureau to include in its report to the House and Senate Appropriations Committees an explanation of its progress in implementing this action.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $17,000,000 for the National Telecommunications and Information Administration salaries and expenses instead of $19,709,000 as proposed by the House. The Senate bill included a total of $17,000,000 for NTIA salaries and expenses, of which $8,000,000 was provided through direct appropriations and $9,000,000 was provided by transfer from the Department of Justice Working Capital Fund for spectrum management. The conference agreement does not include a specific transfer of funds from the Justice Working Capital Fund into this account.

The conference agreement also includes language, as proposed by the Senate, expanding the purposes for which funds may be transferred to NTIA from other government agencies to include spectrum management, analysis and operations. The House bill addressed only funds transferred from other agencies for costs incurred in telecommunications research engineering and related activities by NTIA's Institute for Telecommunications Sciences. This language will allow NTIA to receive funds from other agencies to offset the cost of spectrum management, particularly those costs related to national security and law enforcement. The conferees expect NTIA, working with the Office of Management and Budget, to develop a proposal allowing for the reimbursement of spectrum management costs by other agency users and to provide a report on this proposal to the Committees on Appropriations of the House and the Senate no later than January 15, 1996.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $15,500,000 for Public Broadcasting Facilities, Planning and Construction grants instead of $19,000,000 as proposed by the House and $10,000,000 as proposed by the Senate. The conference agreement allows up to $2,200,000 of this amount to be used for program administration, as provided in both the House and Senate bills.

INFORMATION INFRASTRUCTURE GRANTS

The conferees have provided $21,500,000 for NTIA's Information Infrastructure Grant program instead of $40,000,000 as proposed by the House and $18,900,000 as proposed by the Senate. Within the amount provided, the conference agreement designates $3,000,000 for program administration, instead of $4,000,000 as proposed by the House and $900,000 as proposed by the Senate.

The conferees have not included bill language proposed by the Senate requiring NTIA to add certain criteria to the factors taken into consideration in selecting projects funded under this program, including the extent to which a proposal is consistent with State plans and priorities and the extent to which particular applications have been coordinated with telecommunications and information entities within the State. However, the conferees support NTIA's use of such criteria as additional factors to be considered when selecting grants under this program.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conferees have provided $82,324,000 for the Patent and Trademark Office as proposed by the Senate instead of $90,000,000 as proposed by the House.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $259,000,000 for the internal (core) research account of the National Institute of Standards and Technology instead of $263,000,000 as proposed by the House and $222,737,000 as proposed by the Senate.

The conferees concur with the House and Senate position that the Malcolm Baldrige Quality Program be funded under this account. The conferees expect the remaining funds provided to be distributed proportionately to the activities delineated in the House report.

The conference agreement deletes language proposed by the Senate which would have earmarked $1,200,000 within the amount provided under this account for continuation of the "green buildings" program. The House bill contained no similar provision.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $80,000,000 for the NIST external research account instead of $81,100,000 as proposed by the House and $101,600,000 as proposed by the Senate. The conferees have provided this amount to fund only the Manufacturing Extension Partnership Program as proposed by the House. The Senate bill would have allowed up to $25,300,000 to be used to support continuation grants for prior year Advanced Technology Program awards.

The conferees have provided $80,000,000 for the Manufacturing Extension Partnership Program instead of $81,100,000 as proposed by the House and $76,300,000 as proposed by the Senate. The conferees intend that these funds be applied in accordance with the direction given in the House report.

The conference agreement retains language included in both the House and Senate bills directing that no additional grants be awarded with carryover funds under the Advanced Technology Program, and that any remaining unobligated balances be used to fund continuation costs of ATP grants awarded in prior fiscal years.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement included $60,000,000 for the NIST Construction account as proposed by the House instead of $27,000,000 as proposed by the Senate. The conferees have included the House language allowing these funds to be used for both construction of new facilities and renovation of existing facilities rather than the Senate language which would have limited use of the funds to renovation of existing facilities only.

The conference agreement also includes, in a later section, the rescission of $75,000,000 of prior year carryover amounts from this account. The result of the conference action will allow NIST to obligate $79,000,000 under this account for fiscal year 1996. The conferees intend that these funds be used for the purpose of proceeding with the construction of a new Chemistry building at the NIST Gaithersburg campus, with the remaining $9,000,000 to be applied to routine maintenance and repair of structures at both the Gaithersburg and Boulder campuses. The conferees are also concerned about the obligation of more than $50,000,000 from this account late in fiscal year 1995, and expect NIST to submit no later than January 15, 1996, a full accounting of funds obligated under this account during fiscal year 1995. The conferees are particularly concerned about the obligation of $22,150,000 of funds against an existing contract for "conservative estimates". The conferees expect NIST to submit a reprogramming of funds in accordance with section 605 of this Act for any amounts subsequently deobligated under any NIST construction contract.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

The conferees have provided an appropriation of $1,795,677,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration (NOAA) instead of $1,724,452,000 as proposed by the House and $1,809,092,000 as proposed by the Senate. In addition, the conference agreement allows $3,000,000 in offsetting fees related to the aeronautical charting program to be collected to offset this amount, resulting in a final direct appropriation of $1,792,677,000 instead of $1,721,452,000 as proposed by the House and $1,806,092,000 as proposed by the Senate.

In addition to the new budget authority provided, the conference agreement allows a transfer of $63,000,000 from balances in the account titled "Promote and Develop Fishery Products and Research Related to American Fisheries", instead of $57,500,000 as proposed by the House and $62,000,000 as proposed by the Senate.

The conference agreement does not include language proposed by the Senate requiring the National Weather Service to expand not more than $700,000 to operate and maintain agricultural weather service centers. The House bill contained no similar provision. Funding for agricultural weather offices is addressed later in this report.

The conferees concur with instructions contained in the House and Senate reports regarding the development of a revised budget structure for NOAA in consultation with the House and Senate Appropriations Committees, and expect the submission of the fiscal year 1997 budget request to conform to this new structure.

The conferees are aware that, during the recent shutdown of Federal activities, NOAA utilized carryover funds from various programs, projects and activities to continue operating without following standard notification procedures required under section 605 of the Appropriations Act. Upon enactment of the accompanying Act, the conferees expect NOAA to submit to the House and Senate Appropriations Committees a detailed accounting of the carryover funds utilized for this purpose, including a plan for restoring those activities from which funds were redirected.

The conferees expect NOAA to use the Federal Ship Financing Fund to cover administrative expenses related to that account.

Unless specifically stated otherwise in this Statement of the Committee of the Conference, the conferees intend that amounts expended from the NOAA Operations, Research and Facilities account be allocated as previously described in the Committee reports of the House and Senate.

The following table reflects the distribution of the funds provided in this conference agreement:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
FY 1996 Budget

(Dollars in Thousands)

	FY 1995 Appropriation	FY 1996 President's Budget	FY 1996 House Allowance	FY 1996 Senate Allowance	Conference Recom
NATIONAL OCEAN SERVICE:					
Mapping, Charting, and Geodesy:					
Mapping and Charting	27,899	$31,086	$35,000	$31,086	34,000
Automated Nautical Charting System II	1,250	2,500	2,500	2,500	2,500
Subtotal	29,149	33,586	37,500	33,586	36,500
Geodesy	20,667	19,927	20,927	20,927	20,167
Total, Mapping, Charting, and Geodesy	49,816	53,513	58,427	54,513	56,667
Observation and Assessment:					
Observation and Prediction	12,358	12,899	11,000	11,000	11,000
Circulatory survey program	700	700	0	700	0
Chesapeake Bay observation buoys	400	0	400	0	400
Ocean services	4,418	4,451	3,000	3,000	3,000
Subtotal	17,876	18,050	14,400	14,700	14,400
Estuarine and Coastal Assessment	2,674	3,130	2,674	2,674	2,674
Ocean assessment program	24,528	21,925	14,600	21,925	21,925
Damage assessment	1,200	4,500	1,200	3,200	1,200
Transfer from Damage Assessment Fund	6,770	6,550	6,550	6,550	6,550
Oil Pollution Act of 1990	1,300	1,395	1,000	1,000	1,000
Subtotal	36,472	37,500	26,024	35,349	33,349

(Dollars in Thousands)

	FY 1995 Appropriation	FY 1996 President's Budget	FY 1996 House Allowance	FY 1996 Senate Allowance	Conference Recom
Coastal Ocean Science					
Coastal ocean program	7,943	18,541	5,000	13,000	11,500
Oil Spill Research	800	0	0	0	0
National Institute of Envir. Renewal	500	0	0	0	0
Subtotal	9,243	18,541	5,000	13,000	11,500
Total, Observation and Assessment	63,591	74,091	45,424	63,049	59,249
Ocean and Coastal Management:					
Coastal Management					
CZM grants	45,500	46,637	41,000	46,637	46,200
Estuarine research reserve system	3,350	4,214	0	0	1,000
Estuarine Management Plans	1,000	0	0	1,000	500
Nonpoint pollution control	5,000	8,000	0	0	0
Subtotal	54,850	58,851	41,000	47,637	47,700
Ocean Management					
Marine sanctuary program	8,961	12,371	11,000	12,371	11,685
Subtotal	8,961	12,371	11,000	12,371	11,685
Total, Ocean and Coastal Management	63,811	71,222	52,000	60,008	59,385
TOTAL, NOS	177,218	198,826	155,851	177,570	175,301

(Dollars in Thousands)

	FY 1995 Appropriation	FY 1996 President's Budget	FY 1996 House Allowance	FY 1996 Senate Allowance	Conference Recom
NATIONAL MARINE FISHERIES SERVICE:					
Information Collection & Analyses:					
Resource Information	73,677	94,171	76,285	83,171	83,171
Antarctic research	1,200	1,200	1,000	1,200	1,200
Chesapeake Bay Studies	1,890	1,890	1,000	1,500	1,500
Right whale research	214	214	0	214	200
Gear entanglement studies	651	651	0	0	0
MARFIN	3,780	3,780	3,000	3,000	3,000
SEAMAP	1,340	1,340	700	1,340	1,200
Aquaculture	2,500	2,500	0	2,500	1,250
Alaskan groundfish surveys	661	661	661	661	661
Bering Sea pollock research	945	945	945	945	945
West Coast groundfish	780	780	780	780	780
New England stock depletion	1,116	1,116	1,000	1,000	1,000
Hawaii stock management plan	500	0	0	500	500
Yukon River chinook salmon	700	700	500	700	700
Winter Run chinook salmon	250	250	0	250	0
Atlantic salmon research	710	710	500	710	710
Gulf of Maine groundfish survey	567	567	450	567	567
Dolphin/Yellowfin Tuna Research	500	500	0	500	250
Habitat research/evaluation	470	470	450	450	450
Pacific salmon treaty program	5,587	5,587	5,000	5,587	5,587
Fisheries Cooperative Inst.	410	410	0	410	410
Hawaiian monk seals	520	520	0	520	500
Stellar sea lion recovery plan	1,440	1,440	720	1,440	1,440
Hawaiian sea turtles	240	240	0	240	240
Atlantic bluefin tuna research	300	0	0	0	0
Halibut/Sablefish	1,200	1,200	1,200	1,200	1,200
Subtotal	102,148	121,842	94,191	109,385	107,461

(Dollars in Thousands)

	FY 1995 Appropriation	FY 1996 President's Budget	FY 1996 House Allowance	FY 1996 Senate Allowance	Conference Recom
Fishery Industry Information					
Fish statistics	11,937	14,187	13,000	13,000	13,000
Alaska groundfish monitoring	5,200	5,200	5,200	5,200	5,200
PACFIN/catch effort data	2,300	2,300	2,300	3,000	3,000
Rec. fishery harvest monitoring	2,900	2,900	2,900	2,900	2,900
Subtotal	22,337	24,587	23,400	24,100	24,100
Information Analyses & Dissemination	20,913	22,606	18,373	20,913	20,913
Computer hardware and software	5,000	5,000	4,000	4,000	4,000
Subtotal	25,913	27,606	22,373	24,913	24,913
Total, Info., Collection, & Analyses	150,398	174,035	139,964	158,398	156,474

(Dollars in Thousands)

	FY 1995 Appropriation	FY 1996 President's Budget	FY 1996 House Allowance	FY 1996 Senate Allowance	Conference Recom
Conservation and Management Operations:					
Fisheries Management Programs	15,856	25,034	16,000	20,034	19,500
Columbia River hatcheries	10,300	10,300	9,000	10,300	10,300
Columbia River end. species studies	288	288	140	288	288
Regional councils	8,556	10,200	9,000	10,200	10,200
International fisheries commissions	1,250	400	395	950	400
Management of George's Bank	480	480	478	478	478
Beluga whale committee	200	0	200	200	200
Pacific tuna management	2,000	2,000	0	2,000	1,500
Subtotal	38,930	48,702	35,213	44,450	42,866
Protected Species Management	4,939	6,368	5,000	5,000	6,225
ESA listing & status review	930	930	0	930	0
Tissue bank & stranding network	295	295	0	295	0
Driftnet Act implementation	3,000	3,000	2,500	3,278	3,278
Marine Mammal Protection Act	8,000	10,250	6,000	10,250	9,000
Endangered species recovery plans	7,000	14,800	3,000	14,800	13,000
Fishery observer training	300	0	300	417	417
East Coast observers	700	700	350	350	350
Subtotal	25,164	36,343	17,150	35,320	32,270

(Dollars in Thousands)

	FY 1995 Appropriation	FY 1996 President's Budget	FY 1996 House Allowance	FY 1996 Senate Allowance	Conference Recom
Habitat Conservation	7,979	10,665	8,000	8,000	8,000
Enforcement & Surveillance	15,460	18,445	15,500	16,061	15,800
Total, Conservation and Mgmt. Opns...	87,533	114,155	75,863	103,831	98,936
State and Industry Assistance Programs:					
Interjurisdictional fisheries grants	3,156	3,156	2,000	3,156	2,600
Anadromous grants.....	2,108	2,108	1,500	2,108	2,108
Anadromous fishery project.....	250	250	0	250	250
North Atlantic fishery project	2,800	0	0	0	0
Interstate fish commissions.....	4,000	4,000	2,000	4,000	4,000
Subtotal	12,314	9,514	5,500	9,514	8,958
Fisheries Development Program					
Fisheries trade promotion activities..	1,500	1,500	0	0	0
Product quality and safety.....	9,155	9,624	10,000	9,624	9,624
Hawaiian Fisheries Development	750	0	0	750	750
Marine Biotechnology.....	2,000	2,000	0	2,000	1,900
Seafood Inspection.....	5,000	5,000	0	5,000	5,000
Subtotal.....	18,405	18,124	10,000	17,374	17,274
Total, State & Industry Assist. Progs.	30,719	27,638	15,500	26,888	26,232
' Fisheries Add-On (Undistributed).....			20,000		
TOTAL, NMFS.....	268,650	315,828	251,327	289,117	281,642

(Dollars in Thousands)

	FY 1995 Appropriation	FY 1996 President's Budget	FY 1996 House Allowance	FY 1996 Senate Allowance	Conference Recom
OCEANIC AND ATMOSPHERIC RESEARCH:					
Climate and Air Quality Research:					
Interannual & Seasonal Climate Research/ Climate & Global Change	64,837	97,788	60,346	64,000	65,500
Long-Term Climate & Air Quality Research	27,272	39,144	27,272	27,272	27,272
VENTS	2,496	0	0	2,500	2,500
High Performance Computing	5,500	15,558	6,500	6,500	6,500
Subtotal	35,268	54,702	33,772	36,272	36,272
GLOBE	7,000	7,038	0	7,000	0
Total, Climate and Air Quality	107,105	159,528	94,118	107,272	101,772
Atmospheric Programs					
Weather Research	33,613	34,720	33,613	33,613	33,613
Wind profiler	4,350	4,350	4,350	4,350	4,350
Federal/state weather mod. grants	3,100	0	0	0	0
Southeastern storm research	400	0	0	0	0
Subtotal	41,463	39,070	37,963	37,963	37,963
Solar/Geomagnetic Research	5,483	7,839	5,483	5,483	5,483
Total, Atmospheric Program	46,946	46,909	43,446	43,446	43,446
Ocean and Great Lakes Programs:					
Marine Prediction Research	9,506	10,226	9,506	10,226	10,226
GLERL	4,558	4,558	4,000	4,558	5,200
Great lakes nearshore research	200	200	0	200	0
SE US/Caribbean FOCI program	450	0	0	0	0
GLERL/Zebra mussel	911	0	0	911	0
Lake Champlain study	150	0	0	0	0
Pacific Island technical assistance	190	0	0	0	0

(Dollars in Thousands)

	FY 1995 Appropriation	FY 1996 President's Budget	FY 1996 House Allowance	FY 1996 Senate Allowance	Conference Recom
Subtotal	15,965	14,984	13,506	15,895	15,426
Sea Grant					
Sea grant college program	49,000	49,400	53,300	50,400	53,300
Sea grant oyster disease	1,500	0	0	0	0
Sea grant-zebra mussel	2,800	0	0	0	0
National coastal R&D instutute	1,000	0	0	0	0
Subtotal	54,300	49,400	53,300	50,400	53,300
Undersea Research Program					
NOAA Undersea Research Program	14,432	0	0	14,432	12,000
Regional marine research centers	1,500	0	0	0	0
Subtotal	15,932	0	0	14,432	12,000
Total, Ocean & Great Lakes Programs	86,197	64,384	66,806	80,727	80,726
TOTAL, OAR	240,248	270,821	204,370	231,445	225,944

(Dollars in Thousands)

NATIONAL WEATHER SERVICE:	FY 1995 Appropriation	FY 1996 President's Budget	FY 1996 House Allowance	FY 1996 Senate Allowance	Conference Recom
Operations and Research:					
Local Warnings and Forecasts	441,133	417,410	405,300	394,008	405,300
Susquehanna River Basin Flood Sys..	1,250	669	669	1,250	669
Aviation forecasts.....	35,596	35,596	35,596	35,596	35,596
Flood Warning System/Colorado River	288	288	0	0	0
Regional climate centers.....	3,200	0	0	3,000	2,000
California data buoys.....	200	200	0	0	0
Subtotal.....	481,667	454,163	441,565	433,854	443,565
Central Forecast Guidance	29,015	30,457	28,193	28,193	28,193
Atmospheric and Hydrological Research	2,487	2,669	2,000	2,000	2,000
Total, Operations and Research.....	513,169	487,289	471,758	464,047	473,758

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(Dollars in Thousands)

	FY 1995 Appropriation	FY 1996 President's Budget	FY 1996 House Allowance	FY 1996 Senate Allowance	Conference Recom
Systems Acquisition:					
Public Warning and Forecast Systems					
NEXRAD	82,982	55,249	53,335	53,335	53,335
ASOS	17,515	16,952	16,952	16,952	16,952
AWIPS/NOAAPort	34,947	52,097	50,000	50,000	50,000
Computer Facility Upgrades	9,985	12,745	12,000	12,000	12,000
Total, Systems Acquisition	145,429	137,043	132,287	132,287	132,287
TOTAL, NWS	658,598	624,332	604,045	596,334	606,045

(Dollars in Thousands)

	FY 1995 Appropriation	FY 1996 President's Budget	FY 1996 House Allowance	FY 1996 Senate Allowance	Conference Recom
NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE:					
Satellite Observing Systems:					
Polar spacecraft and launching	146,228	198,824	184,765	184,765	174,765
Polar convergence/IPO	16,000	54,000	39,500	39,500	39,500
Landsat	0	12,000	0	10,000	10,000
Geostationary spacecraft and launching..	132,242	179,101	162,273	150,106	153,106
Ocean remote sensing.....	6,000	1,600	0	5,000	4,000
Environmental observing services	51,271	55,912	49,000	49,000	49,000
Total, Satellite Observing Systems....	351,741	501,437	435,538	438,371	430,371
Environmental Data Management Systems :	24,365	28,564	24,365	24,365	29,865
Data and Information Services.....	11,300	15,100	11,300	11,300	11,300
Total, EDMS.....	35,665	43,664	35,665	35,665	41,165
TOTAL, NESDIS.....	387,406	545,101	471,203	474,036	471,536

(Dollars in Thousands)

	FY 1995 Appropriation	FY 1996 President's Budget	FY 1996 House Allowance	FY 1996 Senate Allowance	Conference Recom
PROGRAM SUPPORT:					
Administration and Services:					
Executive direction and administration	25,490	25,882	20,000	20,000	20,000
Systems Program Office (SPO).....	1,798	2,607	1,500	1,500	1,500
Subtotal.....	27,288	28,489	21,500	21,500	21,500
Central Administrative Support.....	37,853	54,749	30,000	35,579	33,000
Retired Pay Commissioned Officers.....	7,706	7,889	7,706	7,706	7,706
Total, Administration and Services	72,847	91,127	59,206	64,785	62,206
Marine Services.....	62,011	62,202	60,000	62,202	61,100
Aircraft Services	9,153	9,853	9,500	9,153	9,153
Instrumentation.....	1,300	395	0	0	0
Total, Aircraft Services.....	10,453	10,248	9,500	9,153	9,153
TOTAL, PS.....	145,311	163,577	128,706	136,140	132,459

(Dollars in Thousands)

	FY 1995 Appropriation	FY 1996 President's Budget	FY 1996 House Allowance	FY 1996 Senate Allowance	Conference Recom
Direct Obligations	1,877,431	2,118,485	1,815,502	1,904,642	1,892,927
Reimbursable Obligations.....	316,216	313,715	309,715	309,715	309,715
Anticipated offsetting collections	6,000	3,000	3,000	3,000	3,000
	322,216	316,715	312,715	312,715	312,715
TOTAL OBLIGATIONS	2,199,647	2,435,200	2,128,217	2,217,357	2,205,642
FINANCING:					
Deobligations.....	(16,000)	(18,000)	(30,000)	(30,000)	(29,000)
Unobligated balance transferred, net	0	(2,650)	0	(2,650)	(2,650)
Federal Ship Financing Fund expenses					(1,700)
Anticipated offsetting collections.....		(3,000)	(3,000)	(3,000)	(3,000)
Federal funds.....	(280,607)	(279,911)	(272,207)	(272,207)	(272,207)
	(41,609)	(33,804)	(37,508)	(37,508)	(37,508)
BUDGET AUTHORITY	1,861,431	2,097,835	1,785,502	1,871,992	1,859,577
FINANCING FROM:					
Promote and develop American fisheries.....	(55,500)	(55,500)	(57,500)	(62,000)	(63,000)
Damage assessment & restoration revolving fu	(6,770)	(3,900)	(6,550)	(3,900)	(3,900)
Transfer from BPA	0	(10,300)	0	0	0
Mandatory Fish Fees (ITQs)	0	(10,000)	0	0	0
Administrative Overhead Resciss.....					
	======	======	=====	=====	=====
APPROPRIATION, ORF	1,799,161	2,018,135	1,721,452	1,806,092	1,792,677

The following narrative provides additional information related to certain items included in the preceding table.

NATIONAL OCEAN SERVICE

The conferees have provided a total of $175,301,000 under this account for the activities of the National Ocean Service.

Mapping and charting.—The conferees have provided $34,000,000 for NOAA's mapping and charting programs for the purposes as described in the House report, with additional guidance given under the Fleet Modernization account addressed later in this report. In addition, the conferees would be willing to entertain a proposal to reprogram up to $1,000,000 of these amounts for observation and prediction activities to maintain tide and sea level measurements.

Coastal Ocean Program.—The conferees have provided $11,500,000 for the Coastal Ocean Program, of which $700,000 is for the continuation of research on high-salinity estuaries as proposed by the Senate. Within the total amount provided, the conferees expect the Coast Ocean Program managers to respond to the algae bloom in the Peconic Estuary system and adjacent Long Island waters that have devastated the commercial fishing industry. In addition to a concentrated research effort to understand the physiology of the brown tide organism, a systematic and comprehensive mapping of the bottom of the Peconic system should be conducted as soon as possible to identify containments and profile the problems being experienced by the shellfish industry. This action would supplement current efforts to maintain the health and integrity of the entire Peconic system through the Peconic Estuary Program.

Coastal zone management.—The conference agreement includes $46,200,000 for CZM program grants. An additional $1,000,000 is provided for the National Estuarine Research Reserve program, in addition to $3,300,000 provided under the Coastal Zone Management Fund described later in this report. The conferees have agreed to provide $500,000 to complete NOAA support for the special area management plan.

Marine Sanctuary Program.—The conference agreement includes $11,685,000 for the National Marine Sanctuary Program. The conferees are aware of concerns related to the proposal to designate a new marine sanctuary site in Puget Sound, Washington. The conferees also recognize the efforts being made by State and local officials, through existing programs, to manage the unique resources in Puget Sound. The conferees expect NOAA to continue the designation process without final designation of the Northwest Straits National Marine Sanctuary in the waters of Puget Sound prior to January 1, 1997 or until all of the county legislative bodies within or bordering the proposed marine sanctuary boundaries vote in the affirmative to ask for final designation.

Other.—Within the amounts provided for geodesy, the conferees have included $500,000 for continuation of geodetic survey work as described in the Senate report, and $1,000,000 for continuation of the land information system as described in the House report. Of the latter amount, $500,000 is included for the Orleans Parish and $500,000 is for the City of Sulphur to complete the Calcasieu Parish project. The conferees expect NOAA to provide a report within 30 days of enactment of the accompanying Act on the status of unobligated balances available under this program and a proposal to restore amounts previously appropriated for this program in order to complete this activity as soon as possible.

The conference agreement includes a total of $10,000,000 for NOAA's Coastal Services Center as requested in the budget and provided by the Senate.

Deep Ocean Isolation Study.—The conferees have been made aware of an innovative deep ocean waste handling and disposal system, featuring a patented tethered delivery technology, that could identify an environmentally safe method of subaqueous capping in isolated areas of the deepest ocean. The conferees expect NOAA to evaluate this proposal, and to develop a funding plan for an engineering analysis and preliminary design work on systems to transport dredge soil to a deposit site, transfer the material to a receiving platform, and deploy the tethered delivery system to safely conduct deep ocean waste isolation. The conferees expect NOAA to provide a report on its evaluation of this proposal to the House and Senate Committees on Appropriations and the appropriate authorizing committees, including an estimate of the cost to conduct an initial test of this new system, by April 1, 1996.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of $281,642,000 for the National Marine Fisheries Service.

Within the amounts provided in the above table for base fisheries resource information programs, the conference agreement includes funding at the fiscal year 1995 level for conservation engineering, marine mammal research and protected species research.

The conferees are concerned that the operations of the hatcheries funded in the NOAA Operations, Research and Facilities (ORF) and Construction accounts be performed in a manner to best support the Northwest Salmon plan. The conferees further understand that the current designation of use of the construction funds for screen diversions may be overly restrictive. The conferees intend that some of these Construction funds, not to exceed $3,500,000, may be available for operations and maintenance provided that the use of funds for such a purpose are subject to a reprogramming notification under the general provisions of this Act, and provided further that NOAA and the States can demonstrate that such a use would maximize the implementation of the Endangered Species Act requirements. The conferees further stipulate that such a plan anticipate no more than the fiscal year 1996 level of funding for these purposes in subsequent years.

Pursuant to the original intent of the Mitchell Act, it is the intent of the conferees that the hatcheries rearing or releasing fish at or below the Bonneville Dam include a program in fiscal year 1996 to release fish above the dam to rebuild upriver natural runs.

Within the funding provided for the Marine Mammal Protection Act, the conferees intend that NOAA provide $1,500,000 for marine resource observers in the North Pacific, $550,000 for harbor seal research by the State of Alaska, $250,000 to the State of Alaska to assist in the implementation of marine mammal take reduction plans in the fisheries off Alaska, and $350,000 to be allocated to the Alaska Eskimo Whaling Commission for the following purposes: (1) scientific research; (2) International Whaling Commission representation; and (3) implementation of the Alaska Eskimo Whaling Commission and NOAA cooperative agreement. The conferees also expect NOAA to complete a detailed cost-benefit analysis for the Atlantic and Gulf of Mexico menhaden fisheries which may be re-classified from Category III to either Category II or I before any final rule is implemented regarding the incidental taking of marine mammals by commercial fishermen as published in the *Federal Register* of June 16, 1995.

The conferees concur with the language included in the Senate report regarding RECFIN and MARFIN programs. The conferees also agree with the designations given in the Senate report, within the total amounts available for NMFS, for experimental bycatch research and funding for the Newport Marine Science Center.

The conferees have included funds for the implementation of the Atlantic Coastal Fisheries Cooperative Management Act, and strongly support the Atlantic States Marine Fisheries Commission (ASMFC) actions to improve the management of coastal fisheries. However, the conferees are concerned that in several areas involving public participation, the ASMFC's deliberative process has been inadequate. The conferees expect ASMFC to specifically improve: (1) the public hearing process; (2) the method by which the public is informed of Commission activities; and (3) the effectiveness of ASMFC's advisory committees in the fishery management process. Finally, the conferees expect ASMFC to implement a process for the peer review of fish population models upon which fishery management decisions are based.

Because the Endangered Species Act has not been reauthorized since 1992, the conferees find it inappropriate to fund the application of this law to new prelisting or listing activities associated with threatened or endangered species. These activities include designation of critical habitat, review of petitions to list species and/or revise critical habitat, or other activities the agency conducts as part of its prelisting and listing actions, except for activities associated with the development and/or implementation of habitat conservation plans. The conference agreement does, however, include funds for species currently listed under the law in order to avoid disruption of ongoing programs for these species as well as impacts on the activities of private parties. Section 207 of the accompanying Act also addresses the issue of ESA activities to be conducted by NOAA within the amounts provided.

The conferees concur with the House and Senate direction regarding the NMFS Sea Turtle/Shrimp Fishery Emergency Response Plan (ERP) except that it is the conferees' firm intent that the peer review requirements and revisions required by the House and Senate reports regarding the March 14, 1995 Emergency Response Plan shall also apply to the November 14, 1994 Biological Opinion which led to the Emergency Response Plan. The conferees expect NMFS and the Department of Commerce not to implement any shrimp fishery closures that may result from the March 14, 1995 ERP prior to October 1, 1996.

Any funding provided in this conference agreement for endangered species recovery plan are not to be used by NOAA for any sea turtle, shrimp fishery emergency response plan activities or sea turtle protection and Kemp Ridley recovery activities, except those activities, studies and recovery actions specifically outlined in the House and Senate reports and this statement of conferees. The increases provided for these activities in this conference agreement are intended to enhance salmon conservation efforts in the Pacific Northwest.

The conferees endorse the House and Senate direction regarding an independent survey and analysis of the red snapper stock and red snapper management plan and expect these to be conducted within the total

amounts available for NMFS at the level provided in the Senate report. However, since passage of the House and Senate appropriations bills, the Commerce Department has approved an individual transferable quota (ITQ) system for red snapper in the Gulf of Mexico, despite recent House passage of authorizing legislation prohibiting ITQs. The conferees direct the Secretary of Commerce and the Administrator of NOAA not to expend any funds to implement or enforce an ITQ system in the Gulf of Mexico until the independent assessment and analysis of red snapper stock is completed. The conferees also direct the Secretary and the Administrator to immediately study the feasibility of establishing a commercial bycatch season allowing red snapper endorsed vessels to land restricted catch of red snapper that will utilize an amount of fish commensurate with current estimates of bycatch mortality during the closed directed harvest season. This relief quota for commercial harvesters should be evaluated and compared to the quota averages attributed to the recreational fishery in terms of its biological stock impact.

The conferees expect NOAA to include as a priority under the Saltonstall-Kennedy and MARFIN grant programs, proposals for research and education efforts directed at the protection of high-risk consumers from naturally occurring bacteria associated with raw molluscan shellfish. Specifically, the conferees expect these programs to support ongoing efforts by the Interstate Shellfish Sanitation Conference and the Gulf of Mexico Oyster industry in addressing concerns associated with *Vibrio vulnificus*.

The statement of the managers accompanying the fiscal year 1995 appropriation for NOAA included a designation of $500,000 in Saltonstall-Kennedy funds for comprehensive education program for at-risk consumers who consume raw molluscan shellfish. The conferees expect NMFS to transfer the remaining $250,000 of this amount to the Interstate Shellfish Sanitation Conference (ISSC) to continue implementation of the multi-year education program. The conferees expect the ISSC to manage the program in order to fully utilize its extensive network to ensure balanced participation between Federal and state agencies, the oyster industry and other affected parties in continuing this education program.

The conferees support the NMFS proposal to create an office to address issues related to the marine recreational fishing industry, within available resources. The conferees expect NMFS, as co-chair of the National Recreational Fisheries Coordination Council, to provide the expected guidance and leadership in the effort to conserve, restore, and enhance aquatic systems to provide for increased recreational fishing opportunities nationwide.

Within amounts provided for fisheries management programs, the conferees expect NMFS to maintain a program for fisheries trade promotion.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of $213,944,000 for Oceanic and Atmospheric Research activities.

Interannual and seasonal climate research.—The conferees have provided $65,500,000 for interannual and seasonal climate research under the structure proposed by the House, of which $575,500,000 is to continue the basic Climate and Global Change program. The remaining $8,000,000 is to carry out the base interannual and seasonal research programs.

Marine prediction research.—The conference agreement provided $10,226,000 for marine prediction research. Within this amount, the conferees intend that Lake Champlain and Southeast fisheries studies be funded according to the Senate report.

GLERL.—Within the $5,200,000 provided for the Great Lakes Environmental Research Laboratory, the conferees expect NOAA to continue to support the Great Lakes nearshore research and GLERL zebra mussel research programs.

Sea grant.—The conferees have included $53,300,000 for the National Sea Grant program, and expect NOAA to continue to fund oyster disease research, zebra mussel research and the National Coastal Research and Development Institute within these amounts. The conferees urge NOAA to fund proposals related to the *Vibrio vulnificus* issue and the education of at-risk consumers regarding raw molluscan shellfish.

NURP.—The conferees have provided $12,000,000 for the National Undersea Research Program, and direct that each NURP center receive at least $1,560,000 of these funds. The conferees direct that priority be given to the NURP centers which have received the greatest reductions from rescissions in the previous fiscal year in allocating excess funds after each center has received the minimum $1,560,000.

NATIONAL WEATHER SERVICE

The conference agreement includes a total of $606,045,000 for the National Weather Service.

The amount provided includes $405,300,000 for local warnings and forecasts, including the staffing related to the modernization of the weather service, data buoy maintenance, Pacific and Alaska regional headquarters, and specialized weather services.

The conferees expect that any reductions required within the amounts provided in this conference agreement be applied first to staffing levels at NWS central headquarters. Further, the conferees concur with language included in the House report regarding notification prior to NWS office closures.

While the conference agreement assumes the privatization of specialized weather services, the conferees recognized that it may be necessary, within the funds available, for the National Weather Service to continue to provide agricultural weather, fruit frost, and fire related services for a limited time in areas where private sector entities are not yet available to provide these services. The conferees expect NOAA to submit a report by April 30, 1996, on the status of these privatization proposals. The conferees expect NWS to continue the marine facsimile weather service program within funds provided under local warnings and forecasts.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes $471,536,000 for NOAA's satellite and data management programs.

The conferees have included $10,000,000 for NOAA's participation in the LANDSAT program. The conferees are concerned that NOAA's participation in this program will take critical funding away from operational satellites crucial to the National Weather Service. The conferees encourage NOAA to continue to work with other Federal agencies participating the LANDSAT program to obtain funds for operating LANDSAT ground systems. Should other funding be obtained, the conferees would consider a proposal to reprogram these funds toward other NOAA satellite requirements. The conferees expect these funds not to be obligated prior to enactment of authorization legislation endorsing NOAA's participation in this program.

The conference agreement includes $29,865,000 for data management systems within with amount provided for NESDIS. The conferees have provided an increase in this account to support initiatives aimed at converting NOAA's aging paper and microfilm records into intelligent data formats.

The conferees recognize that, in general, the most cost-effective means of procurement is open competition. While there has been discussion within NOAA of providing a sole source procurement for the next buy of Geostationary Operational Environmental Stationary (GOES) satellites, the conferees believe that this procurement should be subject to competition and a fixed price contract, if practicable. The conferees are in agreement that the next buy of GOES satellites should be for "clones" of the current GOES I-M satellites (or "GOES-NEXT"), requiring no new sensors or any other change calling for additional research and development. The goals for the GOES program should be to provide continuity in coverage and to reduce unit costs.

PROGRAM SUPPORT

The conference agreement provides $132,459,000 for NOAA program support.

Marine services.—The conference agreement includes $61,100,000 for marine services. The conferees expect funds made available under this account and the NOAA Fleet Modernization account, including prior year carryover funds, for mapping, charting, and geodesy services to be used to acquire such services through contracts entered into with qualified private sector contractors. The conferees expect that contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services shall be awarded in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.), as proposed in the House report. Further, the conferees intend that no funds provided under this account, in this Act or in any prior year appropriation, be used to procure equipment that replaces or modernizes NOAA's in-house measurement capabilities when similar services may be obtained by contract through the private sector. The conferees believe that it is inappropriate for NOAA to use its limited resources to acquire specialized equipment for the NOAA fleet, considering the uncertainty of the future of the fleet as well as the availability of such equipment among potential private sector contractors for mapping and charting activities.

COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of $7,800,000, as provided in both the House and Senate bills, from the Coastal Zone Management Fund for the purposes designated by the Senate. The conferees intend that amounts provided will be available as follows: $4,000,000 for program administration, $500,000 for State development grants, and $3,300,000 for the National Estuarine Research Reserve Program. The conferees have provided an additional $1,000,000 in direct appropriations under the NOAA Operations, Research, and Facilities account for the National Estuarine Research Reserve Program.

CONSTRUCTION

The conference agreement includes a total of $50,000,000 for the NOAA Construction account as proposed by the Senate instead of $42,731,000 as proposed by the House. The conferees have provided these funds for the purposes described in the following paragraphs.

The conference agreement includes funding for the National Centers for Environmental Prediction, as proposed in both the House

and Senate reports. The conferees have provided $3,700,000 for general facilities maintenance, $1,500,000 for the Sandy Hook lease, $2,000,000 for environmental compliance, $2,000,000 for above-standard costs at the Boulder laboratory, and $1,800,000 for NOAA research facilities.

The conferees have included a total of $19,300,000 for NEXRAD weather office construction and maintenance.

The conferees have included $4,700,000 for Columbia River facilities in accordance with the language included under the National Marine Fisheries Service (NMFS) addressed in the Operations, Research and Facilities account.

The conference agreement includes funds for NMFS Honolulu laboratory renovations and the Newport Science Center architectural and engineering studies in accordance with the Senate report. The conferees have provided $3,000,000 for the NMFS Southeast laboratory.

As provided by both the House and Senate, the conferees have included $10,000,000 for Pribilof Island cleanup. In addition to direction given in both the House and Senate reports, the conferees expect NOAA to use a portion of these funds to stabilize to an appropriate building condition the historic seal processing plant located on the island of Saint George.

The conferees are aware of current shortfalls that exist at the NMFS Tiburon Lab. The conferees expect the NOAA Administrator to prepare a plan of action outlining the most cost-effective approach to address these shortfalls in order to maintain the current research mission. This plan should be submitted to the House and Senate Committees on Appropriations by March 15, 1996. Funds provided in prior years for the Tiburon replacement are made available for this planning effort.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

The conference agreement includes $8,000,000 for the NOAA Fleet Modernization account, as provided in both the House and Senate bills, and language identical to that included in the House bill. In addition, the conference agreement retains language included in section 612 of the House and Senate bills further clarifying the uses of these funds.

FISHING VESSELS AND GEAR DAMAGE COMPENSATION FUND

The conference agreement includes $1,032,000 for an appropriation to the Fishing Vessel and Gear Damage Fund as provided in both the House and Senate versions of the bill.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes $999,000 for the Fishermen's Contingency Fund, as provided in both the House and Senate versions of the bill.

FOREIGN FISHING OBSERVER FUND

The conference agreement includes $196,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in both the House and Senate versions of the bill.

FISHING VESSEL OBLIGATIONS GUARANTEES

The conference agreement provides $250,000 in subsidy amounts for Fishing Vessel Obligations Guarantees as proposed by the Senate. The House bill contained no similar provision. In addition, the conference agreement makes a technical language change to clarify that no loans may be made to purchase any new vessel that would increase the harvesting capacity of any U.S. fishery.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement includes $5,000,000 for the Technology Administration as provided in both the House and Senate versions of the bill. The conferees concur with language included in the House report regarding this account.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $29,100,000 for the general administration of the Commerce Department as provided in both the House and Senate versions of the bill.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $19,849,000 for the Commerce Department Inspector General as proposed by the Senate instead of $21,849,000 as proposed by the House.

COMMERCE REORGANIZATION TRANSITION FUND

The conference agreement does not include an appropriation of $20,000,000 for a new Commerce Reorganization Transition Fund as proposed by the Senate. The House bill contained no similar provision. The conference agreement includes a new general provision (section 210) requiring that any costs resulting from reorganization or consolidations be absorbed within the total budget authority available to the Department.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

The conference agreement includes a rescission of $75,000,000 from the NIST Construction account under title II of the Act instead of a rescission of $152,993,000 from projected end-of-year carryover balances as proposed by the Senate in title VII of the Act. The House bill contained no similar rescission. This rescission of $75,000,000 reduces the carryover appropriation under this account to $19,000,000. Uses of the remaining funds are addressed in the description of the fiscal year 1996 appropriation under this account.

DEPARTMENT OF COMMERCE

GENERAL PROVISIONS

The conference agreement includes the following general provisions for the Department of Commerce:

Section 201.—The conference agreement includes section 201, identical in both versions of the bill, regarding certifications of advanced payments.

Sec. 202.—The conference agreement includes section 202, identical in both versions of the bill, allowing funds to be used for hire of passenger motor vehicles.

Sec. 203.—The conference agreement includes section 203, identical in both bills, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

Sec. 204.—The conference agreement includes section 204, identical in both the House and Senate versions of the bill, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers.

Sec. 205.—The conference agreement includes section 205, identical in both the House and Senate versions of the bill, regarding transfer authority between Commerce Department appropriation accounts.

Sec. 206.—The conference agreement includes a new section 206 providing for the notification of the House and Senate Committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce, should such legislation be enacted. This section also includes language allowing the Secretary of Commerce or the appropriate head of any successor organization to use available funds to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and to transfer funds between appropriations accounts in order to cover these costs, should such actions be necessary.

The Senate bill included under section 206 language entitled "Consolidation of Functions of Commerce Department" which: (1) provided broad authority to the Director of the Office of Management and Budget (OMB) to abolish, reorganize, consolidate or transfer functions within the Department of Commerce in accordance with the provisions of the Senate bill, to terminate or transfer associated personnel as considered appropriate by OMB; (2) authorized employee buyouts through December 15, 1995; and (3) established a Commerce Reorganization Transition fund to cover the costs of consolidation and employee buyouts. The House bill contained no provision on this matter.

The conferees have included new language for section 206 in order to conform the actions taken in this Act to any subsequently enacted legislation dismantling or reorganizing the Department of Commerce.

The conference agreement does not include the language under section 207 as proposed by the Senate, requiring the Secretary of Commerce to conduct a study of the Doppler weather surveillance radar to assess the impact on property owners in the immediate area of the radar sites, as well as the costs of relocating these radars. However, the conferees expect the National Oceanic and Atmospheric Administration, upon enactment of an authorization and to the extend funds are available, to identify an alternative site for the relocation of the NEXRAD radar tower presently located at Sulphur Mountain in Ventura County, California.

Sec. 207.—The conference agreement includes section 207 requiring that no funds provided in this Act, or under any other law, be used to implement certain subsections of the Endangered Species Act until reauthorizing legislation is enacted. This language is identical to that included in the Senate bill as section 208. The House bill contained no similar provision. This language prohibits the Secretary of Commerce, through the National Marine Fisheries Service (NMFS), from proposing the listing of new species under the Endangered Species Act, designation of critical habitat, or final listing determinations, pending reauthorization of that Act. NMFS may use funds for delisting, or for the reclassification of a species from endangered to threatened, and funds may be used for prelisting conservation and other activities that will help prevent future listings of species, and implementation of section 4(d) rules.

Sec. 208.—The conference agreement includes section 208, included in the Senate bill under section 209, allowing the transfer of title of a project in Hilinex, Vermont, originally funded under the Economic Development Administration. The House bill contained no similar provision.

Sec. 209.—The conference agreement includes section 209, included in the Senate bill as section 210, providing for the demolition of structures, environmental cleanup and

conveyance of land by the Economic Development Administration to the Tuscaloosa (AL) County Industrial Development Authority. The House bill contained no similar provision.

Sec. 210.—The conference agreement includes a new section 210, not included in either bill, requiring that any costs related to personnel actions incurred by a Department or agency funded in title II of the accompanying Act as a result of funding levels provided in this Act, be absorbed within the total budgetary resources available to such Department or agency.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $25,834,000 for the salaries and expenses of the Supreme Court as provided in both the House and Senate bills.

CARE OF THE BUILDINGS AND GROUNDS

The conference agreement includes $3,313,000 for the Supreme Court Care of the Buildings and Grounds account, as provided in both the House and Senate bills. The conference agreement also provides that $500,000 of the amount appropriated shall be available until expended as proposed by the House, instead of $565,000 as proposed by the Senate.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes $14,288,000 for the U.S. Court of Appeals for the Federal Circuit as proposed by the Senate, instead of $14,070,000 as proposed by the House. The conferees have provided the higher amount to fund additional court security officers requested by the Court.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes $10,859,000 for the U.S. Court of International Trade as provided in both the House and Senate bills.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The conferees have provided $2,433,141,000 for the salaries and expenses of the Federal Judiciary, instead of $2,409,024,000 as proposed by the House and $2,446,194,665 as proposed by the Senate. Including amounts provided under the Violent Crime Reduction Trust Fund, addressed below, the total amount available in this conference agreement for the salaries and expenses of the courts is $2,463,141,000 rather than $2,450,524,000 as proposed by the House and $2,476,194,665 as proposed by the Senate.

Within the overall funding available for fiscal year 1996, the conferees expect the Judiciary to fund its highest program priorities, including additional magistrate judges to eliminate existing backlogs in caseloads.

The conference agreement also appropriates $2,318,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986, as provided in both the House and Senate bills.

Optimal utilization of judicial resources.—The conferees are concerned about the ability to sustain the current appropriations level for the Judicial Branch in the context of the need to balance the budget and reduce the deficit. The conferees want to ensure that the Judiciary maintains its current high standards for the delivery of justice in our courts and the public's confidence in the court system. Particularly in this time of budgetary constraints, this must be done in the most cost-effective way possible.

In order to provide the Congress with the means to better evaluate the operations of the courts, the conferees expect the Judicial Conference to continue its effort to identify ways to make the courts more efficient and less costly. As part of this effort, the conferees request that the Judiciary undertake a review, to be performed by an independent, nonpartisan, professional organization outside the Judiciary, but with the complete cooperation and support of the Judiciary. A report of its finding should be submitted by no later than November 30, 1996, with an interim report on the findings to be submitted by April 1, 1996. While the report may address possible improvements in any aspect of the Judiciary and its functions, the conferees expect the report to emphasize the following:

The extent to which the current judicial workload corresponds to the distribution of judicial resources.

The extent to which underutilized court facilities could be closed, or the sharing of courtroom space expanded, without appreciably affecting the delivery of justice, and the potential for savings in space costs that could be realized.

The extent to which the use of contract services might be substituted for non-judge employees in the courts and what, if any, savings could be realized.

The extent to which savings and efficiencies can be realized through enhanced use of automation and other high technology initiatives.

Violent crime reduction trust fund.—The conference agreement includes an appropriation of $30,000,000 from the Violent Crime Reduction Trust Fund, the same amount provided in the Senate bill. The House bill included an appropriation of $41,500,000 from the Violent Crime Reduction Trust Fund for the Judiciary. The conferees intend that these funds be used to offset workload requirements of the Federal Judiciary related to the Violent Crime Control and Law Enforcement Act of 1994 and any increased workload requirements related to title VIII of this Act.

DEFENDER SERVICES

The conferees have included $267,217,000 for the Federal Judiciary's Defender Services account, instead of $260,000,000 as proposed by the House and $274,433,000 as proposed by the Senate. The amount provided is for the operation of Federal public defender and community defender organizations and the compensation, reimbursement, and expenses of attorneys appointed to represent persons under the Criminal Justice Act, as amended.

The conference agreement also includes language proposed by the Senate establishing April 1, 1996 as the date by which no funds provided under this account may be expended for Death Penalty Resource Centers (Post-Conviction Defender Organizations). The House bill included no specific date, but would have terminated these centers upon enactment of this Act. The conferees agree that establishing April 1, 1996 as the termination date will allow for a more orderly and efficient close-out of this program.

The conferees recognize the concerns expressed by the Judiciary that the cost of panel attorney representation in Federal capital habeas cases be kept to an appropriate level. Therefore, the conferees expect the Judiciary to initiate a study of approaches to reducing panel attorney costs and the feasibility of conducting a pilot project to assess flat-fee contracts as one such approach. The conferees expect a report on the results of this study to be submitted to the Committees on Appropriations of the House and the Senate within one year of enactment of this Act.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $59,028,000 for Fees of Jurors and Commissioners as provided in both the House and Senate bills.

COURT SECURITY

The conference agreement includes $102,000,000 for the Federal Judiciary's Court Security account as proposed by the Senate instead of $109,724,000 as proposed by the House.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes $47,500,000 for the Administrative Office of the United States Courts as provided in both the House and Senate bills.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes $17,914,000 for the fiscal year 1996 salaries and expenses of the Federal Judicial Center instead of $18,828,000 as proposed by the House and $17,000,000 as proposed by the Senate. The conferees agree that education and training functions performed by the Center should be maintained at current levels.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO THE JUDICIARY TRUST FUNDS

The conference agreement includes $32,900,000 for payment to the various Judicial retirement funds as provided in both the House and Senate bills.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The conferees have included $8,500,000 for the U.S. Sentencing Commission as provided in both the House and Senate bills.

THE JUDICIARY

GENERAL PROVISIONS

Section 301.—The conference agreement includes section 301 as provided in both the House and Senate bills allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Sec. 302.—The conference agreement includes section 302 as provided in both the House and Senate bills which allows appropriations to be available to the Special Court established under the Regional Rail Reorganization Act of 1973.

Sec. 303.—The conference agreement includes section 303, included in both the House and Senate bills, providing the Judiciary with the authority to transfer funds between appropriations accounts. The conference agreement also includes new language exempting the Judiciary's Defender Services account from the 10 percent increase ceiling set by this provision. The conferees have included this exemption because of concerns expressed by the Federal Judiciary that the total requirements for the Defender Services account will exceed $295,000,000. Because the demands for Federal defender services fluctuate, the conferees have included this provision which will allow additional funds to be transferred to this account from other budgetary resources available to the Judiciary, should additional resources be required, subject to the reprogramming guidelines set forth in section 605 of this Act.

Sec. 304.—The conference agreement includes section 304, identical in both the House and Senate versions of the bill, allowing up to $10,000 of salaries and expenses funds provided in this title to be used for official reception representation expenses of the Judicial Conference of the United States.

Sec. 305.—The conference agreement deletes section 306 as proposed by the Senate, which would have required (1) that judicial circuit conferences or meetings authorized under section 333 of title 28, United States Code, be held within the geographic boundaries of the court over which the chief judge presides, and (2) that no circuit would receive more than $100,000 for such conferences. The House bill contained no similar provision. The conferees strongly agree that the Judiciary should make every effort to hold down the cost of judicial circuit conferences, including the use of new communications technologies such as video teleconferencing.

The conference agreement includes a new section 305, similar to section 306 included in the Senate bill, revising section 333 of title 28 of the United States Code to make the holding of judicial conferences optional and to make attendance by judges at these conferences discretionary. Section 306 of the Senate bill included these provisions, as well as a sense of the Senate that the Federal Judiciary should use new communications technologies to conduct judicial conferences and a provision making this section applicable only to contracts entered into after the date of enactment of this Act. The House bill contained no similar provision.

The conference agreement deletes section 308 regarding the National Fine Center, as proposed by the Senate. The House bill contained no provision on this matter. The conferees understand that the Administrative Office of the U.S. Courts has committed to conducting a time-out and review of the National Fine Center program. The conferees expect the Administrative Office to submit to the Committees on Appropriations of the House and the Senate a report on the results of this independent review by March 1, 1996.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of $1,719,220,000 for Diplomatic and Consular Programs, instead of $1,727,298,000 as proposed by the House, and $1,698,220,000 as proposed by the Senate. The conference agreement includes $9,720,000 for security enhancement and $700,000 to be derived from registration fees, as proposed in both the House and Senate bills.

The conference agreement includes language that allows, through April 1, 1996, continued collection of Machine Readable Visa (MRV) fees as an offsetting collection for the cost of consular services. The Senate bill provided this authority for the full fiscal year, and the House bill contained no similar provision. The conference agreement also allows MRV fees to be collected from North American Free Trade Agreement countries during the same time period, which was not proposed in either bill, consistent with the pending House and Senate foreign affairs authorization bills.

The conference agreement also provides $24,856,000 from within this account for the Diplomatic Telecommunications Service, as proposed by the House and the Senate. The conference agreement modifies the language to make the funds available until expended, and to allow $7,544,000 of enhancement funds to be expended prior to submission of the pilot project report. Both the House and Senate bills withheld all enhancement funds until submission of the report.

The conference agreement also includes language relating to fees from the operation of the International Center and the use of Blair House facilities, and allowing transfers between the Diplomatic and Consular Programs and the Salaries and Expenses accounts, as proposed by both the House and Senate.

The conference agreement also includes language that was included in both the House and Senate bills requiring that in fiscal year 1997, a system be in place that allocates to each department and agency the full cost of its presence outside the United States. To carry out this provision, the conferees direct the Office of Management and Budget to ensure that in the President's budget requests for fiscal year 1997, the full cost of each Federal agency's overseas presence is clearly reflected within its budget request to Congress.

The conference agreement deletes language included by the Senate, requiring the State Department to report to the President and the Congress on potential cost savings generated by extending foreign service officer tours of duty in nations that require two-year language study programs. The conferees note that some overseas missions, such as those in China and Japan, require language preparation and extended tours in such countries may be justified. Longer tours may yield significant savings and improve personnel management. Accordingly, the Department of State is directed to conduct the study called for in the Senate bill and to submit the study to the House and Senate Committees on Appropriations not later than May 15, 1996.

The conferees agree that the language in both the House and Senate reports under this heading is to be followed in expending fiscal year 1996 funds. The continuations noted in the House report can be provided through either a grant or contract mechanism.

The conferees believe that U.S. economic and commercial interests are an integral component of our diplomatic relations, and in many overseas diplomatic posts, the cornerstone of our bilateral and multilateral relationships. It is critical that these interests be actively promoted at the highest level. The conferees note that while foreign service officers from other non-State Department agencies have been elevated to ambassadorial rank, no senior officer from the U.S. and Foreign Commercial Service (US&FCS) has been selected as an ambassador. The conferees believe that senior officers of the US&FCS have the understanding and skills necessary to effectively represent U.S. interests at the highest level, particularly in posts of strategic commercial interest to the United States. Therefore, the conferees expect the Administration to nominate at least one senior officer of the US&FCS to ambassadorial rank as soon as possible.

SALARIES AND EXPENSES

The conference agreement includes a total of $365,146,000 for Salaries and Expenses, as proposed by the House, instead of $369,870,000 as proposed by the Senate. The conference agreement includes $1,870,000 for security enhancements, as proposed by both the House and the Senate.

FOREIGN AFFAIRS REORGANIZATION TRANSITION FUND

The conference agreement does not include $5,000,000 for the Foreign Affairs Reorganization Transition Fund, as proposed by the Senate. The disposition of the Fund is discussed under section 404.

CAPITAL INVESTMENT FUND

The conference agreement includes $16,400,000 for the Capital Investment Fund, as proposed by both the House and the Senate.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $27,369,000 for the combined State and United States Information Agency Inspector General, instead of $27,669,000 for the combined office, as proposed by the House, and $24,350,000 for the combined office, as proposed by the Senate. The conference agreement includes new language exempting the Inspector General from the existing requirement to inspect all posts every five years. This language is intended to result in budget savings that will help the Office carry out its mission within the funding level provided in the conference agreement.

Upon enactment of this legislation, the Inspector General of the Department of State will have responsibility for preparing semiannual reports for three separate organizations—the Department of State, the Arms Control and Disarmament Agency, and the United States Information Agency—and international broadcasting programs. The Inspector General should consult with the House Committee on Government Reform and Oversight, the Senate Governmental Affairs Committee, and the House and Senate Committees on Appropriations on the format and content of the Inspector General's semiannual report prior to submitting that report to Congress. This consolidated report will comply with the Inspector General Act of 1978, as amended, and will allow the State Department Inspector General to achieve cost savings and efficiencies in the preparation of these reports.

REPRESENTATION ALLOWANCES

The conference agreement includes $4,500,000 for Representation Allowances, as proposed by the Senate, instead of $4,780,000 as proposed by the House.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $8,579,000 for Protection of Foreign Missions and Officials, as proposed by both the House and the Senate.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes $385,760,000 for this account, instead of $391,760,000, as proposed by the House, and $369,860,000, as proposed by the Senate.

The conferees have agreed to rename this account from "Acquisition and Maintenance of Buildings Abroad" to "Security and Maintenance of United States Missions". The conferees believe this name more accurately reflects the activities funded by this account, which are primarily related to the management of over $10,000,000,000 of U.S. Government real property located overseas and used in carrying out the mission not only of the Department of State, but of the approximately 35 Departments and agencies that carry out programs overseas, including the Department of Justice, the Department of Treasury, and the Department of Defense, to name just a few. These properties include housing for all U.S. Government employees overseas, both U.S. owned and leased. Substantial funds are expended for security upgrades, providing security on all construction projects, and for assuring the safety of

U.S. Government employees and their families at their workplace and in their living quarters.

Of the recommended funds, $369,800,000 are required to maintain current activities. The additional $15,900,000 may be used to address the backlog in maintenance projects estimated in excess of $400,000,000. No funding for any new construction projects is provided.

Under title VII of the bill, the conferees have inclued a rescission of $60,000,000 from carryover balances in this account.

The Department's ability to address housing and facility needs in the least costly manner possible is potentially limited by the current inability to use lease-purchase agreements. As called for in the House report, the Department is expected to report back on the benefits of the lease-purchase option in managing overseas property needs. Within funds appropriated under this account or carryover from any source, the conferees expect that $3,500,000 will be made available for architectural and engineering plans associated with a consolidated chancery complex in Kingston. These operations are currently housed in five leased facilities. The conferees believe that consolidation of existing U.S. Government owned property should result in lower operating costs. On-site housing should yield additional savings of up to $2,000,000 per year in residential security. The plans should be compatible with either a standard construction or with a lease-purchase option. The Department should report to the Committee on Appropriations on the relative costs and benefits of these two options by March 1, 1996.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $6,000,000 for Emergencies in the Diplomatic and Consular Service account, as provided in both the House and Senate bills.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of $776,000 for the Repatriation Loans Program Account, as provided in both the House and Senate bills.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $15,165,000 for the Payment to the American Institute in Taiwan account, as provided in both the House and Senate bills.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $125,402,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House and Senate bills.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $700,000,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in fifty international organizations, compared to $858,000,000, as provided in the House bill, and $550,000,000, as provided in the Senate bill.

The conference agreement does not include language proposed in the Senate bill to permit funding for the International Labor Organization. The House bill had no similar provision. Funding for the International Labor Organization will be decided by the Administration as part of its overall allocation of funds.

The conference agreement includes language contained in both the House and Senate bills regarding withholding of 20 percent of the contribution to the United Nations until a certification is made relating to the establishment of an independent Office of Inspector General at the United Nations, a prohibition on use of funds for interest payments, and limiting the payment of arrearages to uses agreed upon by the United States and the respective international organizations.

The conferees are agreed that no funds are provided for assessments to be paid to the United Nations International Development Organization.

The conferees have agreed, with respect to the Interparliamentary Union (IPU), that no funds should be provided until the IPU adjusts the schedule of IPU meetings to accommodate U.S. participation, and until the IPU reverses its decision to increase the U.S. assessment level from 12.8 percent to 15 percent. In so doing, the IPU should make such adjustments as necessary to ensure that the U.S. is not held accountable for any arrearage resulting from the aforementioned increase. In addition, funds should be provided on the condition that measurable steps are taken to reduce the budget and expenses of IPU. The final decision whether or not to provide funds for continued U.S. membership in IPU should be made by the Speaker of the House and the President Pro Tempore of the Senate, in consultation with the President and Vice President of the U.S. Group of the IPU.

Funding for the U.S. assessment for the Chemical Weapons Convention, should be ratified by the U.S., is to be considered under this account, as provided in the House report.

Allocation of the funds included in the conference agreement is to be made in conjunction with an assessment of the importance of the fifty international organizations to the national interest of the United States. The Department is expected to report the results of its review of these organizations to the Appropriations Committees no later than January 30, 1996.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides $225,000,000 for Contributions for International Peacekeeping Activities, as proposed by the Senate, instead of $425,000,000 as proposed by the House. The overall conference 602(b) allocation of funds to the Subcommittee was not sufficient to permit funding at any other level.

The conference agreement includes language included in both the House and Senate bills requiring a 15 day advance notice of votes in the United Nations Security Council for new or expanded peacekeeping missions and requiring a certification that American businesses are being given equal procurement opportunities.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

The conference agreement includes $3,000,000 for International Conferences and Contingencies, as provided in both the House and Senate bills.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

The conference agreement includes $12,058,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC), instead of $12,358,00 as proposed by the House and $11,500,000 as proposed by the Senate.

CONSTRUCTION

The conference agreement includes $6,644,000 for the Construction account of the IBWC, as proposed by the House, instead of $8,000,000, as proposed by the Senate.

The conferees note that both House and Senate reports contain identical language calling on the IBWC to fulfill its existing agreements to reimburse local governments and to provide a report within 60 days of enactment of this legislation.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes $5,800,000 for the U.S. share of expenses of the International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission, as provided in both the House and Senate bills.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes $14,669,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities, as proposed by the House, instead of $15,119,000, as proposed by the Senate. Allocation of funds is to be made as provided in the House report.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $5,000,000 for the Payment to the Asia Foundation account, instead of $10,000,000, as proposed by the House and no funding, as proposed by the Senate.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

The conference agreement includes $35,700,000 for the Arms Control and Disarmament Agency (ACDA), instead of $40,000,000 as proposed by the House and $22,700,000, as proposed by the Senate. To the maximum extent possible, reductions should be taken from administrative functions, rather than from programmatic staff involved in technical aspects of ACDA's activities, including monitoring functions. The conferees note that ACDA also has the option of seeking to change the status of its considerable number of detailees from other agencies from a reimbursable to a non-reimbursable status.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

The conference agreement includes $445,645,000 for Salaries and Expenses of the United States Information Agency (USIA), as proposed by the House, instead of $429,000,000, as proposed by the Senate. All other bill language, which is identical in the House and Senate bills, is included in the conference agreement.

The conferees note that even at the higher House level, substantial reductions will be required, including a reduction approaching 600 positions, and the closing of up to 20 posts and installations, reducing USIA's field presence by approximately 10 percent. Both House and Senate reports included a recommendation that operations in western Europe and Canada be looked at for further reductions, because these are parts of the world that have the greatest access to information and are most likely to be exposed to the American point of view from other sources. In addition, USIA will need to reexamine all of its major operations and

downsize those posts where staffing is not in accord with USIA's resource allocation grouping model.

The conference agreement includes sufficient funding for the phase out of the Latin America data base, as provided in the Senate report.

TECHNOLOGY FUND

The conference agreement includes $5,050,000 for the Technology Fund, as provided in both the House and Senate bills.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $200,000,000 for Educational and Cultural Exchange Programs, instead of $192,090,000, as proposed by the House, and $210,000,000, as proposed by the Senate. Of the total, the conferees intend that $102,500,000 be allocated for the Fulbright program, and $97,500,000 be allocated for other programs, including $5,000,000 for international exchange events involving disability issues associated with the Tenth Paralympiad to be held in 1996.

To the maximum extent possible, the conferees urge that the following exchange programs be supported: the International Visitors Program, the Pepper Scholarships, including the Executive Education Program for Central European Business and Professional Leaders, the Muskie Fellowships, the Humphrey Fellowships, the Disability Exchange Clearinghouse, the Congress Bundestag Exchanges, the South Pacific Exchanges, the East Timorese Scholarships, the Cambodian Scholarships, the Tibetan Exchanges, the United States/Mexico Conflict Resolution Center, the Institute for Representative Government, the American Institute of Indian Studies and the British Parliamentarian Exchange.

Within the total amount of funding provided, funding for exchange support activities is included.

The conferees expect that a proposal for the distribution of the available resources among exchange programs, as well as proposed enhancements for exchanges with the Newly Independent States, will be submitted through the normal reprogramming process prior to final decisions being made.

The USIA should disburse funds in the amount of $1,800,000 to Mansfield Center for Pacific Affairs to cover the Center's costs in fully implementing the Mike Mansfield Fellowships including the posting of seven 1995 fellows and their immediate families in Japan in order that the fellows may work in a Japanese government agency for one year, preparation and training for ten 1996 fellows, the recruitment and selection of the ten 1997 fellows, and attendant administrative costs.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Trust Fund in fiscal year 1996 to be used for necessary expenses of the Eisenhower Exchange Fellowships. Further issues with respect to this program are dealt with under section 412.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 1996 to be used for necessary expenses of the Israeli Arab Scholarship Program.

AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Endowment Fund in fiscal year 1996 to be used for necessary expenses of American Studies Collections.

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $325,191,000 for International Broadcasting Operations, instead of $341,000,000 as proposed by the House and $294,191,000, as proposed by the Senate. The conference agreement does not include funds for Broadcasting to Cuba under this account, as proposed by the House, but rather includes it in under a separate account, as proposed by the Senate.

The conference agreement does not include language proposed by the Senate that would have limited funding for Radio Free Europe/Radio Liberty (RFE/RL) to $29,000,000. The House had no similar provision. Under current law, funding for RFE/RL programming cannot exceed $75,000,000.

The conference agreement does not include language proposed by the House to allow funds to be used for equipment and transmission facilities for Broadcasting to Cuba, but similar language is included under the Broadcasting to Cuba account.

The conference agreement includes language, not in either the House or Senate bill, which allows USIA to use not to exceed $1,000,000 in funds received in connection with its broadcasting resources, including receipts from advertising, for authorized purposes.

All other language, identical in both House and Senate bills, is included in the conference agreement.

The conference agreement assumes $5,000,000 in funding for Radio Free Asia, under this account, as did both the House and Senate bills.

The exact distribution of funds under this account for broadcasting operations, associated technical activities and administration is to be decided upon by USIA under the new administrative structure for international broadcasting, authorized by the United States International Broadcasting Act of 1994. The conferees understand that the new Broadcasting Board of Governors has been confirmed. Clarification appears to be required as to how the Broadcasting Board of Governors will operate, how it will interact with USIA, and where ultimate operating authority for international broadcasting lies. All relevant House and Senate Committees should be provided that clarication as soon as possible.

The conferees expect that the Committees will be notified of the final distribution of funding among the activities under this account pursuant to the normal reprogramming procedures.

BROADCASTING TO CUBA

The conference agreement includes $24,809,000 for Broadcasting to Cuba under a separate account, as proposed by the Senate, instead of within the total for International Broadcasting Operations, as proposed by the House.

The agreement also includes language requiring the relocation of the headquarters of the Office of Cuba Broadcasting from Washington, D.C., to south Florida by April 1, 1996, and permits funds from three accounts, International Broadcasting Operations, Broadcasting to Cuba, and Radio Construction, to be used to carry out the relocation. The Senate bill proposed the relocation, but allowed any USIA funds to be used to carry out the relocation. The House bill contained no similar provision.

The conference agreement includes language permitting use of funds under this account for equipment and transmission facilities, as proposed by the Senate, and similar to language proposed by the House under International Broadcasting Operations.

The conference agreement does not include language proposed by the Senate to allow funds to be used to purchase or lease, maintain and operate aircraft, including aerostats, required to house and operate television broadcasting equipment.

RADIO CONSTRUCTION

The conference agreement includes $40,000,000 for Radio Construction, instead of $70,164,000, as proposed by the House, and $22,000,000, as proposed by the Senate. This account provides funding for the following activities: maintenance, improvements, replacements and repairs; satellite and terrestrial program feeds; engineering support activities; and broadcast facility leases and land rentals.

The conferees reiterate that Congress has made clear its intent on a number of occasions that, to the maximum extend possible, contracts for radio construction projects should be awarded on the basis of a strong preference to American firms and content.

The conferees expect USIA to report on the expected distribution of funds in fiscal year 1996, including carryover.

The conference agreement also includes a rescission of funds from this account under title VII.

EAST-WEST CENTER

The conference agreement includes $11,750,000 for operations of the East-West Center, instead of no funds, as proposed by the House, and $18,000,000, as proposed by the Senate.

NORTH/SOUTH CENTER

The conference agreement includes $2,000,000 for operations of the North/South Center, instead of no funds, as proposed by the House, and $4,000,000, as proposed by the Senate.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $30,000,000 for the National Endowment for Democracy, as provided in both the House and Senate bills.

DEPARTMENT OF STATE AND RELATED AGENCIES

GENERAL PROVISIONS

The conference agreement includes General Provisions for title IV of this location, as provided in the Senate bill, instead of immediately after the State Department funding paragraphs, as provided in the House bill. The General Provisions heading is retitled to include reference to Related Agencies.

Section 401.—The conference agreement includes section 401, as provided in both the House and Senate bills, permitting use of funds for allowances, differentials, and transportation.

Sec. 402.—The conference agreement includes secton 402, as provided in both the House and Senate bills, dealing with transfer authority.

Sec. 403.—The conference agreement includes section 403, as provided in both the House and Senate bills, dealing with the compensation of the United States Commissioner of the International Boundary Commission, United States and Canada.

Sec. 404.—The conference agreement includes a provision: (a) requiring that 90 days after enactment of any legislation consolidating, reorganizing, or downsizing the functions of the Department of State, the United States Information Agency (USIA), and the Arms Control and Disarmament Agency

(ACDA), the heads of those agencies are to submit proposals for transferring or rescinding funds appropriated in this bill for functions that are affected by such legislation; and (b) providing those agencies with transfer authority to cover the costs of actions to consolidate, reorganize or downsize the functions under their authority required by such legislation, and of any related personnel action, including voluntary separation incentives, if authorized by such legislation. These actions are subject to reprogramming authority.

The Senate bill contained a provision giving the Director of the Office of Management and Budget broad authority to eliminate redundancies and consolidate functions among the State Department, USIA and ACDA; authorizing employee buy-outs through December 15, 1995; and establishing a Foreign Affairs Reorganization Transition Fund to cover the costs of consolidation and employee buy-outs. The House bill contained no similar provision.

Sec. 405.—The conference agreement includes a provision waiving, through April 1, 1996, provisions of existing legislation that require authorizations to be in place for State Department, United States Information Agency, including International Broadcasting Operations, and Arms Control and Disarmament Agency activities prior to the expenditure of any appropriated funds. The Senate bill included a provision waiving through December 1, 1995, the authorization requirement for State Department activities. The House bill contained no similar provision.

The conference agreement does not include a provision proposed in the Senate bill as section 406 to earmark $5,000,000 for the Tenth Paralympiad Games out of amounts provided under three United States Information Agency (USIA) accounts. This issue is addressed under the USIA Educational and Cultural Exchange Programs account. The House bill contained no similar provision.

Sec. 406.—The conference agreement includes a provision proposed by the Senate as section 408, renumbered as section 406, to amend the State Department Authorities Act of 1956 with respect to reward authority, to mandate the Department to establish and publicize its reward program. Under current law, the reward program is discretionary. The House bill contained no similar provision.

Sec. 407.—The conference agreement includes a provision proposed by the Senate as section 411, renumbered as section 407, to extend the authorization for the Au Pair program through fiscal year 1999. The House bill contained no similar provision.

Sec. 408.—The conference agreement includes a provision that expands the authorization for the Eisenhower Exchange Fellowship Program to permit the program to extend its activities to areas of the world other than emerging democracies in Europe. The Senate bill contained this provision, proposed as section 412, as well as a proposal to allow the program to use any earned but unused trust income from the period 1992 through 1995, which is not included in the conference agreement. The House bill contained no Similar provision.

Sec. 409.—The conference agreement includes a provision, proposed in the Senate bill as section 413, renumbered to read section 409, that states the sense of the Senate that none of the funds in this Act should be used for the deployment of U.S. forces in Bosnia and Herzegovina unless approved in advance by Congress, with certain exceptions in case of emergency. The House bill contained no similar provision.

The conference agreement does not include a provision, proposed in the Senate bill as section 414, stating the sense of the Senate that the President should insist on full compliance of the Russian Federation with the terms of the Treaty on Conventional Armed Forces in Europe and seek the advice and consent of the Senate for any treaty modifications. The conferees consider compliance with the terms of the Treaty to be a high priority in U.S. relations with the Russian Federation, and further understand that there are ongoing negotiations relating to Russian compliance, which are the subject of ongoing meetings involving the Russian Federation, the U.S., and the Treaty's 30 signatories, and therefore reserve judgment until the conclusion of these events. The House bill contained no similar provision.

The conference agreement does not include a provision, proposed by the Senate as section 415, requiring sanctions on Serbia and Montenegro to remain in effect until the President certified that certain conditions had been met. The House bill contained no similar provision.

Sec. 410.—The conference agreement includes a new section, not proposed in either the House or Senate bill, providing that any personnel costs incurred by any Department or agency funded under this title as a result of funding reductions be absorbed within the total budgetary resources available to the Department or agency, and providing authority to transfer funds between appropriations accounts for that purpose. Transfers are to be subject to standard reprogramming procedures. The Senate bill proposed to establish a Foreign Affairs Reorganization Transition Fund under section 404, with a separate appropriation, to pay for consolidation costs. The House bill contained no similar provision.

TITLE V—RELATED AGENCIES

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

The conference agreement includes $162,610,000 for payment of obligations incurred for the Maritime Administration (MARAD) operating differential subsidy program as provided in both the House and Senate bills.

MARITIME NATIONAL SECURITY PROGRAM

The conference agreement includes $46,000,000, available upon enactment of an authorization, for a new Maritime National Security Program to provide payments to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States as determined by the Secretary of Defense in consultation with the Secretary of Transportation. The Senate bill included $46,000,000 for necessary expenses of maritime security services as authorized by law. The House bill contained no provision on this matter. This program is funded under the allocation for national security programs. The conferees expect MARAD to submit a notification of the proposed distribution of these funds to the House and Senate Committees on Appropriations by April 1, 1996.

OPERATIONS AND TRAINING

The conference agreement includes $66,600,000 for the Maritime Administration Operations and Training account instead of $64,600,000 as proposed by the House and instead of $68,600,000 as proposed by the Senate. The conferees intend that these funds will be distributed as follows: $30,900,000 for the U.S. Merchant Marine Academy, $6,700,000 for State maritime academies, and $29,900,000 for additional training, operating programs and general administration of the Maritime Administration.

The conference agreement also includes language proposed by the Senate, allowing proceeds from the sale or disposal of National Defense Reserve Vessels to be transferred to the Secretary of the Interior for use as provided in the National Maritime Heritage Act (Public Law 103-451). The House bill contained no similar provision.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides $40,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program instead of $48,000,000 as proposed by the House and $25,000,000 as proposed by the Senate. This amount will subsidize a program level of not more than $1,000,000,000 as proposed by the House instead of $500,000,000 as proposed by the Senate.

The conferees have also included $3,500,000 for administrative expenses associated with the Maritime Guaranteed Loan Program instead of $4,000,000 as proposed by the House. The Senate bill included no funds for this purpose. These amounts may be transferred to and merged with amounts under the MARAD Operations and Training account.

ADMINISTRATIVE PROVISIONS

The conference agreement includes provisions contained in both the House and Senate bills involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides $206,000 for the Preservation for America's Heritage Abroad as provided in both the House and Senate bills.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes $8,750,000 for the salaries and expenses of the Commission on Civil Rights instead of $8,500,000 as proposed by the House and $9,000,000 as proposed by the Senate.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

The conference agreement includes $1,894,000 as proposed by the Senate, instead of $2,377,000 as proposed by the House.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The conferees provide $1,090,000 for the Commission on Security and Cooperation in Europe as proposed by both the House and Senate.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $233,000,000 for the salaries and expenses of the Equal Employment Opportunity Commission, as proposed by both the House and Senate.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement provides a total of $175,709,000 for the salaries and expenses of the Federal Communications Commission instead of $185,232,000 as proposed by the House

and $166,185,000 as proposed by the Senate. The conference agreement also provides for the collection and retention of $116,400,000 in offsetting fee collections, as provided in both the House and Senate bills.

Within the amount provided, the conferees intend that the FCC continue the restructuring proposal initiated in June, 1995, including the closure of certain field offices as proposed by the Commission to the House and Senate Committees on Appropriations on October 20, 1995. The conferees have included, within the amount provided, $3,000,000 to begin to acquire the equipment necessary to carry out these proposed field office reductions.

The conferees expect remaining reductions to be carried out within FCC headquarters operations through the streamlining and elimination of redundant offices and functions. The conferees expect the FCC to consider first for reductions those offices which have experienced significant growth in recent years, but to hold harmless those activities supported by fees. The FCC should submit a notification in accordance with section 605 of this Act prior to implementing these reductions.

The conferees are aware that concerns have been expressed about actions taken by the FCC to challenge radio license applications or renewals for religious broadcasters on the grounds that requiring religious knowledge, training, or expertise for employees is discriminatory. These concerns have arisen because of the potential impact of such actions on legitimate religious free speech. The conferees expect the FCC not to deny any license application or renewal on these grounds inconsistent with the right to exercise this free speech in recruitment and hiring practices, and to report to the House and Senate Appropriations Committees by not later than March 1, 1996 on the Commission's policy in these cases, and its intention to follow such a policy that recognizes and preserves such religious freedom. If the FCC does move to deny a license application or renewal for a religious broadcaster according to its policy, it shall report to the Committees to demonstrate that it is not abridging the free speech of religious broadcasters.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $14,855,000 for the salaries and expenses of the Federal Maritime Commission as proposed by the Senate, instead of $15,000,000 as proposed by the House.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement allows a total operating level of $98,928,000 for the Federal Trade Commission as proposed by the House instead of $89,035,000 as proposed by the Senate, and includes language provided in both bills allowing $48,262,000 in offsetting collections from Hart-Scott-Rodino Act premerger filing fees. The conference agreement also assumes the availability of carryover fee balances of $19,360,000 to offset the appropriations level instead of $16,000,000 as assumed in both the House and Senate bills. This amount is based on actual carryover balances identified by the FTC. These actions result in a final appropriated level of $31,306,000 instead of $34,666,000 as proposed by the House and $24,773,000 as proposed by the Senate.

The conference agreement also includes language proposed by the Senate allowing the FTC to use up to $300,000 of available funds to contract for debt collection services. The House contained no similar provision.

The conferees concur with House language regarding FTC's involvement in areas more appropriately addressed by States and localities.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

The conference agreement provides $1,247,000 for the expenses of the Japan-United States Friendship Commission from the U.S. currency account, and provides for an amount from the Japanese currency account not to exceed the equivalent of $1,420,000 as provided in both the House and Senate Bills.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $278,000,000 for payment to the Legal Services Corporation, the same level proposed by the House bill, instead of $340,000,000 as proposed by the Senate.

The conference agreement designates $198,750,000 of the amount provided for basic field programs to be used only for competitively awarded grants and contracts, instead of $115,000,000 as proposed by the Senate, reflecting a provision in the conference agreement setting April 1, 1996 as the deadline for implementation of competition, rather than September 1, 1996 as proposed by the Senate.

The conference agreement provides $13,000,000 for the management and oversight functions of the program and designates $6,000,000 for management and administration, and $7,000,000 for the Office of the Inspector General, of which $5,500,000 is to be used to contract with independent external auditors for financial and compliance audits. The conference agreement reflects the transfer of functions and the corresponding resources for compliance monitoring and enforcement to the Inspector General, while retaining the administration of the grant program within the Corporation, as proposed by the House. The Senate did not designate funding for each activity.

The following table shows a funding distribution by activity:

	Fiscal year 1995	House	Senate	Conference
Basic field programs	$345,903,013	$265,000,000	$327,000,000	$265,000,000
Supplemental programs:				
Native American [1]	8,867,000	0	0	0
Migrant	12,759,000	0	0	0
National support	8,109,000	0	0	0
State support	9,373,000	0	0	0
Supplemental field	1,274,000	0	0	0
Regional training centers	711,000	0	0	0
Computer assisted legal research	582,000	0	0	0
Clearinghouse	985,000	0	0	0
Law schools	726,000	0	0	0
Subtotal	43,386,000	0	0	0
Administration and oversight:				
Management and administration	9,710,987	5,000,000		6,000,000
Inspector General	1,000,000	2,250,000		1,500,000
External auditing	0	5,750,000		5,500,000
Subtotal	10,710,987	13,000,000	13,000,000	13,000,000
Total	400,000,000	278,000,000	340,000,000	278,000,000

[1] The conference agreement addresses service for Native American communities through adjustments in the basic field program, included under Administrative Provisions.

LEGAL SERVICES CORPORATION

ADMINISTRATIVE PROVISIONS

The conference agreement provides for the continuance of funding for basic legal services to ensure that poor individuals have access to the civil justice system. This program has been unauthorized for a number of years, which has required these issues to be dealt with through the inclusion of a number of administrative provisions in Appropriations Acts. The conferees hope that an authorization will be enacted obviating the need for this practice. In the interim, and in keeping with past practices, the conference agreement includes numerous administrative provisions, as proposed by both the House and Senate, governing the allowable use of the funds provided, in many cases significantly current law provisions, and in all cases applying the provisions to all funds, Federal and non-Federal, received by a grantee.

The conference agreement includes language, as proposed by the House, that upon enactment of an authorization, all contradictory provisions will supersede the provisions in this Act. The Senate bill contained no provision on this matter.

As proposed by both the House and Senate, the conference agreement distributes funding for basic field programs by formula, based on the number of poor people residing in an area. A provision is included, as proposed by the Senate, to continue current practice of making certain adjustments to the formula for certain isolated states and territories. The House bill contained no provision on this matter.

The conference agreement provides that funding shall be used only for basic field programs, as proposed by the House, instead of the Senate proposal which may have allowed funding for uses other than basic field programs. The conference agreement also includes a provision, as proposed by the Senate, to mitigate disproportionate funding reductions for services to Native American communities due to the elimination of the supplemental programs which had previously served Native Americans. The conferees have taken this action because of the unique relationship between the U.S. government and Native American tribes through longstanding treaty obligations, the complexity of Indian tribal law, and the unique challenges facing programs which must provide representation in both U.S. and tribal court systems. The House bill contained no provision on this matter.

The conference agreement extends the deadline for implementation of competition to April 1, 1996, and allows interim funding for grants to basic field programs prior to that date. The House proposed that all grants be awarded competitively on January 1, 1996, and did not propose any interim funding mechanism. The Senate proposed that a portion of basic field programs be awarded competitively by September 1, 1996, and allowed the remaining basic field program grants to be distributed to basic field programs in existence prior to that date.

The conference agreement includes provisions as proposed by the House that: (1) the Corporation be considered a Federal agency, (2) all funds provided be considered Federal funds, and (3) all grantees be subject to all Federal laws regarding the proper use of Federal funds, and that any violations of Federal laws shall result in termination of the contract. The Senate bill contained no provision on this matter.

Both the House and Senate bills proposed many similar requirements and restrictions on funds provided to the LSC grantees from Federal, non-Federal, and private sources. As proposed in both the House and Senate bills, the conference agreement requires that an LSC grantee, must agree not to engage in litigation and related activities with respect to (1) abortion; (2) redistricting; (3) welfare reform; (4) political activities, including union organizing and strikes; (5) representation of illegal aliens; (6) representation of Federal and state prisoners in civil actions; and (7) representation of individuals charged with drug-trafficking in eviction proceedings brought by a public housing authority. In addition, the grantee must agree to submit to timekeeping requirements proposed by both the House and Senate.

The conference agreement incorporates a provision, proposed by the Senate, to require that the Corporation and its grantees provide written notification to non-Federal funding sources, of the restrictions in this Act or other Acts, prior to accepting non-Federal funding. The conference agreement provides an exception to this and certain other requirements in this Act with respect to the uses of Indian tribal funds. In addition, the conference agreement deletes a provision included in the Senate bill which could have allowed non-Federal funds to be used by LSC grantees to represent prisoners, illegal aliens, and individuals charged with drug-trafficking and facing eviction from public housing.

In addition, the conference agreement includes the following additional items:

The conference agreement includes language, as proposed by the Senate, to prohibit LSC grantees from participating in or bringing any class action suits. The House bill proposed to prohibit LSC grantees from bringing class action suits against Federal, State, and local governments.

The conference agreement allows LSC grantees to represent clients in fee-generating and fee-shifting cases if no private attorney is available to accept such cases, but prohibits LSC grantees from claiming or accepting any attorneys' fees. The House proposed to prohibit LSC grantees from any involvement in such cases, while the Senate proposed to allow LSC grantees, under very limited circumstances, to represent such cases and collect attorneys' fees.

The conference agreement prohibits LSC grantees from collecting any attorneys' fees for all pending and future cases, as proposed by the House. The Senate proposed to prohibit attorneys' fees for all cases initiated after January 1, 1996.

The conference agreement includes provisions, proposed by both the House and Senate, prohibiting LSC grantees from engaging in any activities related to legislative or administrative lobbying or rulemaking.

The conference agreement prohibits LSC grantees from soliciting clients, as proposed by the House. The Senate proposed a similar provision.

The conference agreement adopts a provision, proposed by the Senate, to permit LSC grantees to use non-LSC funds to communicate with State or local entities regarding funding by State or local entities. The House bill contained no provision on this matter.

The conference agreement includes language clarifying that grantees are permitted to receive funding from non-Federal sources designated for programs serving specific populations, such as people with disabilities, provided that the clients served are not otherwise ineligible, and the purposes for which the funding is provided are allowable under this Act, and the underlying statute and regulations.

In addition, the conference agreement incorporates a provision, as proposed by the House, to prohibit funds provided in this Act from being used to pursue lawsuits against the Corporation.

The conference agreement applies all restrictions and requirements in this Act to all new cases undertaken after enactment of this Act and to additional actions on pending cases which are initiated after the enactment of this Act. The agreement allows LSC grantees up to six months to dispose of all pending cases, initiated prior to enactment of this Act, which are in violation of the provisions of this Act. The Senate proposed to apply the restrictions in this Act only to new cases undertaken or additional matters addressed in pending cases after January 1, 1996. The House proposed to apply the restrictions to all pending and new cases effective upon enactment. To ensure that clients are adequately represented, and to allow attorneys to maintain their ethical and professional responsibilities, the conferees have agreed to provide a limited amount of additional time for LSC-funded grantees to withdraw from cases and matters which would now be restricted under this Act. The Corporation shall report to the House and Senate Committees on Appropriations every sixty days as to the status of the disposition of pending cases. Further, while the conference agreement had provided for a transition period for disposition of pending cases, the agreement applies all requirements of disclosure and timekeeping to all activities.

The conference agreement includes language to clarify financial audit requirements to LSC-funded grantees, and ensure that auditors have appropriate access to necessary records. These provisions will ensure that LSC-funded grantees are subject to auditing requirements similar to other nonprofit entities receiving Federal funding. Neither the House nor Senate bills contained these provisions.

The conferees understand the importance of proper training of attorneys and paralegals. Such training, which is technical in nature and necessary to ensure attorneys and paralegals have access to current information pertaining to statutes, regulations, and case law, is permitted. However, the conference agreement prohibits grantees from conducting training programs, or providing training materials, which are designed to facilitate or advocate particular public policies or political activities.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $1,190,000 for the salaries and expenses of the Marine Mammal Commission instead of $1,000,000 as proposed by the House, and instead of $1,384,000 as proposed by the Senate.

MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $350,000 for the Martin Luther King, Jr., Federal Holiday Commission for fiscal year 1996 as proposed by the Senate instead of $250,000 as proposed by the House. Bill language has been added, consistent with the Commission's vote on May 23, 1995 to sunset operations at the end of fiscal year 1996, stating that this represents the final year of Federal funding for the Commission.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a direct appropriation of $103,445,000 for the Securities and Exchange Commission (SEC), as proposed by the House, instead of $134,997,000, as proposed by the Senate. It also includes an extension of registration fees under section 6(b) of the Securities Act of 1933 at one twenty-ninth of one percent, expected to generate $184,293,000, as proposed by the House, instead of one thirty-fourth of one percent, expected to generate $123,000,000, as proposed by the Senate. Together with carryover from fiscal year 1995 estimated at $9,667,000, this is estimated to provide an overall operating level of $297,405,000, as proposed by the House, instead of $267,664,000 as proposed by the Senate.

1996 Funding Summary

Net General Fund Appropriation	$103,445,000
Offsetting Collections—Section 6(b)	184,293,000
Total Appropriation	287,738,000
Carry-over from Prior Year	9,667,000
Total Funding	297,405,000

The conference agreement includes technical language, not in either the House or Senate bill, which appropriates a total of $287,738,000 to the SEC, and then requires the appropriation to be reduced as registration fees are collected, to the level of $103,445,000 that the conferees have agreed to provide. Any fees collected in excess of $184,293,000 are to remain available until expended and are not available for obligation until October 1, 1996.

The conference agreement includes language earmarking $3,000,000 for the Office of Economics, to be headed by the Chief Economist of the Commission, instead of $3,600,000, as proposed by the Senate, and no language, as proposed by the House.

The conference agreement includes language earmarking $1,000,000 for Investment Advisers Act enforcement, instead of $1,500,000 as proposed by the Senate, and no language, as proposed by the House.

The conference agreement does not include language proposed by the Senate to prohibit funds from being used for the Office of Investor Education and Assistance. The House bill contained no similar provision.

SMALL BUSINESS ADMINISTRATION

The conference agreement provides a total of $589,578,000 for the Small Business Administration, instead of $590,369,000 as proposed by the House and $588,091,000 as proposed by the Senate. The distribution of these funds by account is detailed below.

The conference agreement deletes a provision contained in the Senate bill which appropriated $30,000,000, in addition to sums provided elsewhere in the bill, for the Small Business Administration. The House bill contained no similar provision. The conferees have addressed these additional funds within the context of each individual account.

SALARIES AND EXPENSES

The conference agreement provides an appropriation of $219,190,000 for the SBA Salaries and Expenses account, instead of $222,325,000 as provided in the House bill and $211,881,000 as provided by the Senate. In addition, the conference agreement allows for the collection of $3,300,000 in offsetting fees to offset this appropriation, as provided by both the House and the Senate, making $222,490,000 available under this account.

In addition to amounts made available under this heading, the conference agreement includes $92,622,000 for administrative expenses under the Business Loans Program Account and $71,578,000 for administrative provisions under the Disaster Loans Program Account. These amounts may be transferred to and merged with amounts available under Salaries and Expenses, resulting in a total level of $386,690,000 for SBA operating program and noncredit initiatives rather than $396,247,000 as provided by the House and $370,203,000 as provided by the Senate.

The conferees understand that funding levels provided for SBA operating programs will require additional office downsizing and closures, and expect SBA to continue to work with the House and Senate Appropriations and Small Business Committees in a consultative manner to develop criteria for determining further headquarters and field office reductions.

The conferees note that the SBA has proposed to centralize LowDoc application processing by establishing one to four centers. While centralized processing may warrant further consideration, the conferees believe that it is inappropriate at this time to establish four centers without further study. Therefore, the conferees would consider a proposal to establish two pilot centers designed to achieve long-term cost savings, taking into account concerns previously expressed by the conferees, subject to the reprogramming procedures in section 605 of this Act.

The conference agreement includes the following amounts for noncredit programs:

SBDCs	$73,500,000
Section 7(j) grants	2,570,000
SCORE	3,250,000
Women's outreach	4,000,000
Women's council	200,000
Microloan Tech. Asst	9,000,000
EZ One Stop Shops	2,767,000
Export Asst. Centers	3,202,000
Business Info. Cts	500,000

The amounts provided for EZ One Stop Shops include funding for staffing, equipment, rent, and related overhead expenses.

The conferees encourage the SBA to continue to work with the National Center for Manufacturing Sciences towards implementation of section 303 of Public Law 103-403.

The conferees expect the Administrator to allocate sufficient funds in order to implement biennial examinations of small business development centers as mandated by P.L. 103-403.

Within the amounts provided under this account, the conferees expect the SBA to continue the existing pilot project designed to help small businesses adapt to a paperless procurement environment.

The conferees agree with the emphasis in the Senate report regarding elimination of duplication and the need to study moving toward privatization of certain functions currently undertaken by the SBA.

OFFICE OF INSPECTOR GENERAL

The conferees have provided $8,500,000 for the SBA Office of Inspector General as proposed by the Senate instead of $8,750,000 as proposed by the House.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes a total of $160,726,000 in subsidy appropriations under the SBA Business Loans Program Account, of which $4,500,000 is for the direct loan program (for the Microloan direct program only) instead of $5,000,000 as proposed by the House and $1,000,000 as proposed by the Senate, and a total of $156,226,000 is for various guaranteed loan programs. The conference agreement further designates that $1,216,000 of the guaranteed subsidy is for the Microloan guarantee program and is available until expended, as proposed by the Senate. The House bill provided $1,700,000 for the Microloan guarantee program. The conference agreement also designates that $40,510,000 of the total amount provided shall be available until September 30, 1997, as provided in both the House and Senate bills.

The conference agreement includes $114,500,000 for the SBA 7(a) general business loan program, instead of $104,500,000 as proposed by the House and $133,000,000 as proposed by the Senate. Along with prior year carryover balances, this amount will subsidize almost $11,000,000,000 in new small business loan activity under recently enacted changes in the subsidy rate for this account. The conference agreement includes a total of $40,510,000 for the small business investment corporation (SBIC) debenture and participating securities programs as proposed by both the House and the Senate. In an effort to minimize the impact of budget cutbacks on popular SBA programs, the conferees intend that no funds provided in this Act be used for the specialized SBIC (SSBIC) program, which has a credit subsidy rate of 30 percent and costs the taxpayers more than twice as much to support as the regular SBIC program.

The conference agreement includes new language, not in either bill, allowing SBA to make up to $2,500,000 in loans under the 504 Development Company program, in accordance with recently enacted authorizing legislation requiring no subsidy amounts to be appropriated. Both the House and the Senate bills had assumed that such legislation would be enacted, and language was included in the House and Senate reports that would allow a 504 Development Company program level of up to $2,500,000,000.

In addition, the conference agreement includes $92,622,000 for administrative expenses to carry out the direct and guaranteed loan programs as provided in the House bill. The Senate bill included a total of $92,622,000 for administrative expenses to carry out the guaranteed loan program only, of which $77,600,000 was provided under this account and the remaining $15,022,000 was designated under the separate $30,000,000 appropriation discussed above. The amount provided for administrative expenses is available to be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes $34,432,000 for subsidy costs associated with the SBA Disaster Loans Program as provided in both the House and Senate bills. The conferees note that this subsidy amount assumes enactment of changes to the SBA disaster loan program that have not yet been considered by the Congress and urge expeditious consideration of the proposed changes to this program so that additional appropriations for this program will not be required.

In addition, the conferees have included $71,578,000 for administrative expenses under this account, instead of $78,000,000 as proposed by the House and $62,400,000 as proposed by the Senate. These amounts are to be merged with amounts provided for SBA salaries and expenses.

SURETY BOND GUARANTEES REVOLVING FUND

The conference agreement includes $2,530,000 for additional capital for the SBA Surety Bond Guarantees Revolving Fund as provided in both the House and Senate versions of the bill.

SMALL BUSINESS ADMINISTRATION

ADMINISTRATIVE PROVISION

The conference agreement includes section 510, providing SBA with the authority to transfer funds between appropriations accounts, as provided in both the House and Senate bills.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement provides $5,000,000 for the salaries and expenses of the Senate Justice Institute as proposed by the Senate, instead of no funds as proposed by the House.

TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following general provisions:

Section 601.—The conference agreement includes section 601, identical in both the House and Senate versions of the bill, regarding the use of appropriations for publicity or propaganda purposes.

Sec. 602.—The conference agreement includes section 602, identical in both the House and Senate versions of the bill, regarding the availability of appropriations for obligation beyond the current fiscal year.

Sec. 603.—The conference agreement includes section 603, identical in both the House and Senate versions of the bill, regarding the use of funds for consulting services.

Sec. 604.—The conference agreement includes section 604, identical in both the House and Senate versions of the bill, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

Sec. 605.—The conference agreement includes section 605, identical in both the House and Senate versions of the bills, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes.

Sec. 606.—The conference agreement includes section 606, proposed by the House but deleted by the Senate, regarding the construction, repair of modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Sec. 607.—The conference agreement includes section 607 regarding the purchase of American-made products as provided in both the House and Senate bills.

Sec. 608.—The conference agreement includes section 608 which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October, 1993, as provided in both the House and Senate bills.

Sec. 609.—The conferees have added language to the provision proposed by the House to limit the use of funds to expand the U.S. diplomatic presence in the Socialist Republic of Vietnam, which provides a waiver of the provision if the President certifies that Vietnam is fully cooperating with the U.S. in four areas relating to POW/MIA's. The Senate bill included no provision on this matter.

Sec. 610.—The conference agreement includes a provision that prohibits the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest. This provision was included as section 610 in the House bill and as section 609 in the Senate bill.

Sec. 611.—The conference agreement includes section 611 which prohibits the use of funds to provide certain amenities for Federal prisoners as provided for in both the House bill as section 611 and in the Senate bill as section 610.

Sec. 612.—The conference agreement includes section 612 restricting the use of funds provided under the National Oceanic and Atmospheric Administration Fleet Modernization account included in the House bill as section 612 and in the Senate bill as section 611.

Sec. 613.—The conference agreement includes section 613 imposing a limitation on funding for TV Marti, as proposed by the House as section 613 and the Senate as section 612.

Sec. 614.—The conference agreement includes section 614 repealing the authorization for the Advisory Corrections Council, making changes in the table of sections for chapter 401 of title 18 of the United States code to reflect the repeal of that council, and making this section effective 30 days after enactment of this Act. The Senate bill proposed this repeal as section 613, and also proposed termination of the Regulatory Coordination Advisory Committee for the Commodities Future Trading Commission and the repeal of section 5(h) of the Export Administration Act of 1979, which have not been agreed to. The House bill included no provision on this matter.

The conference agreement deletes section 614 as proposed by the Senate, which stated the sense of the Senate that a joint United States-Canadian technical committee should be established to review the impact of creating an outlet from Devils Lake, N.D. under the Boundary Water Treaty of 1909. The House bill included no provision on this matter.

The conference agreement deletes section 615 proposed by the Senate which would have required competitive bidding to determine the disposition of certain portions of the spectrum related to the assignment of DBS licenses. The House bill contained no similar provision. The conferees have dropped this language because the Federal Communications Commission has taken action to require a competitive bidding process for the portions of the spectrum addressed in this amendment. The conferees support this decision by the FCC since it should result in the maximum return to the Treasury.

The conference agreement deletes section 616, as proposed by the Senate, which would have given direction to the head of each agency for which funds are directed under this Act, to take all necessary actions to achieve a 5 percent reduction from fiscal year 1995 levels in the energy costs of facilities used by the agency. A government-wide policy on this issue was established in the FY 1996 Treasury-Postal Appropriation Act.

Sec. 615.—The conference agreement includes a new general provision, not in either the House or Senate bill, requiring agencies and Departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or Department.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

The conference agreement includes a rescission of $65,000,000 from unobligated balances under this heading, instead of $55,000,000, as proposed by the Senate, and no rescission, as proposed by the House.

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

The conference agreement does not include the proposed rescission of $36,769,000 proposed by the Senate from anticipated unobligated balances under the NTIA Information Infrastructure Grant program. Prior to the end of fiscal year 1995, these funds were obligated and are no longer available for rescission. The House bill did not include a rescission of funds under this program.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

The conference agreement includes a rescission of $60,000,000 from unobligated balances available under this heading, instead of $140,000,000, as proposed by the Senate, and no rescission, as proposed by the House. The conferees intend that this rescission be applied against any unanticipated carryover funds that are not associated with a specific project, or against the lowest priority projects for which the remainder of the carryover in currently reserved. The conferees expect the Department to report on the manner in which it intends to apply this rescission.

RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

RADIO CONSTRUCTION

(RESCISSION)

The conference agreement includes a rescission of $7,400,000 against unobligated balances available under the Radio Construction account, as proposed by the Senate, instead of no rescission, as proposed by the House.

The conferees expect the United States Information Agency to report on the manner in which it intends to apply this rescission.

TITLE VIII—PRISON LITIGATION REFORM

The conference agreement includes a separate title containing legislative language to carry out prison litigation reform and is similar to the language proposed by the Senate bill to limit the remedies for prison condition lawsuits and discourage frivolous and abusive prison lawsuits.

Section 801 contains the short title of the bill, the "Prison Litigation Reform Act of 1995", as proposed by the Senate.

Prison conditions remedies.—Section 802 amends 18 U.S.C. 3626 to require that prison condition remedies do not go beyond the measures necessary to remedy federal rights violations and that public safety and criminal justice needs are given appropriate weight in framing such remedies. Specifically, the section places, limits on the type of prospective relief available to inmate litigants. The relief is generally limited to the minimum necessary to correct the violation of a federal right. Measures limiting prison population such as prison caps or prison release orders can only be imposed as last resort measures after less drastic remedies had proven ineffective. A prison cap in federal proceeding can be ordered only by a three-judge court. These same limitations on prospective relief are applied to preliminary injunctive relief and such relief would expire after a ninety-day period. Prior consent decrees are made terminable upon the motion of either party, and can be continued only if the court finds that the imposed relief is necessary to correct the violation of the federal right. The section also permits the appointment of a disinterested special master to monitor the imposed relief. The special master is intended to assist the court in finding facts and is to place those findings in the record. In addition, the conference agreement contains language, not included in the Senate bill, that provided standing to State legislators to intervene in prison lawsuits.

Prisoner litigation.—The conference agreement includes language proposed by the Senate, with the addition of provisions relating to victim notification and restitution requirements for monetary awards and severability. Section 803 amends the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997a(c)) to require that administrative remedies be exhausted prior to any prison conditions action being brought under any federal law by an inmate in federal court. It also directs the courts to dismiss suits if they are frivolous, malicious, or fail to state a claim and permits the State to waive its right of reply to any action brought by a prisoner.

Section 804 amends 28 U.S.C. 1915 to require the prisoner to list all assets when filing *in forma pauperis* suits. Section 805 adds a new section 1915A to 28 U.S.C. to require early judicial screening and prompt dismissal of clearly meritless suits against governmental entities or employees. Section 806 amends 28 U.S.C. 1346(b) to limit prisoner suits against the Federal government for

mental or emotional injury under the Federal Tort Claims Act to instances where the prisoner shows physical injury as well. The legislation also includes new language in Sections 807 and 808, not included in the Senate bill, that mandates that restitution payments must be taken from any award won by the prisoner and that requires victims to be notified whenever a prisoner receives a monetary award from the State. Section 809 adds a new section 1932 to 28 U.S.C. to allow the court to revoke the prisoner's "good time" credit if he files repetitive frivolous, or malicious suits designed to misuse the justice system. The conference agreement also includes a provision on severability in Section 810, which was not included in the Senate bill.

The conferees also understand that approximately eight percent, or 800,000 of the 10.1 million admittances to jails annually, suffer from severe mental illness such as schizophrenia and manic depressive illness. Most of these individuals have not committed violent or serious felonies but rather misdemeanors, or other non-violent offenses. The conferees further understand that eight percent, or 80,000 of the approximately one million people currently incarcerated in our nation's prisons, suffer from severe mental illness. The conferees agree that the care and treatment provided to these individuals is essential to their health and do not intend for any of the provisions in this title to impact adversely on the availability of this care and treatment.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follows:

New budget (obligational) authority, fiscal year 1995	$26,698,336,000
Budget estimates of new (obligational) authority, fiscal year 1996	31,158,679,000
House bill, fiscal year 1996	27,585,240,000
Senate bill, fiscal year 1996	27,033,679,665
Conference agreement, fiscal year 1996	27,287,525,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	+589,189,000
Budget estimates of new (obligational) authority, fiscal year 1996	−3,871,154,000
House bill, fiscal year 1996	−297,715,000
Senate bill, fiscal year 1996	+253,845,335

HAROLD ROGERS,
JIM KOLBE,
CHARLES H. TAYLOR,
RALPH REGULA,
MIKE FORBES,
BOB LIVINGSTON,
ALAN B. MOLLOHAN,
Managers on the Part of the House.

JUDD GREGG,
MARK O. HATFIELD,
TED STEVENS,
PETE V. DOMENICI,
MITCH MCCONNELL,
JAMES M. JEFFORDS,
THAD COCHRAN,
ERNEST F. HOLLINGS (with reservations),
ROBERT C. BYRD,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. SKELTON) to revise and extend her remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SKELTON) and to include extraneous matter:)

Mr. POSHARD.

Mr. WAXMAN.

(The following Members (at the request of Mr. BASS) and to include extraneous matter:)

Mr. GUNDERSON.

Mr. SOLOMON.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following day present to the President, for his approval, bills of the House of the following title:

On November 30, 1995:

H.R. 2519. An act to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, and for other purposes; and

H.R. 2525. An act to modify the operation of the antitrust laws, and of State laws similar to the antitrust laws, with respect to charitable gift annuities.

ADJOURNMENT

Mr. SKELTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 5, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1743. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's first special impoundment message for fiscal year 1995, pursuant to 2 U.S.C. 685 (H. Doc. No. 104–140); to the Committee on Appropriations and ordered to be printed.

1744. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to renew lease of one naval vessel to the Government of Greece, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

1745. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1746. A letter from the Secretary of Education, transmitting final regulations—student assistance general provisions regulations—ability to benefit, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1747. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending September 30, 1995, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

1748. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 96–07), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1749. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period April 1, 1995, through September 30, 1995, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

1750. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1751. A letter from the Secretary of Labor, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1752. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the authority's report pursuant to section 203(a)(1) of Public Law 104–8; to the Committee on Government Reform and Oversight.

1753. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1754. A letter from the Director, Norfolk Naval Shipyard Co-operative Association, transmitting the annual pension plan report for the plan year ending December 31, 1993, for the Norfolk Naval Shipyard Co-operative Association, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

1755. A letter from the Director, Peace Corps, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1756. A letter from the Secretary of Education, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

1757. A letter from the Chairman, U.S. Equal Employment Opportunity Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1758. A letter from the Chairman, U.S. Securities and Exchange Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1759. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1760. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1761. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1762. A letter from the Secretary of Transportation, transmitting the Department's report on tanker navigation safety standards, pursuant to Public Law 101-380, section 4111(c) (104 Stat. 516); to the Committee on Transportation and Infrastructure.

1763. A letter from the Secretary of Transportation, transmitting the Department's review and assessment on the safety of the marine environment and the economic viability and operational makeup of the maritime oil transportation industry, pursuant to Public Law 101-380, section 4115(e)(2)(C) (104 Stat. 521); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of November 30, 1995]

Mr. HYDE: Committee on the Judiciary. H.R. 2064. A bill to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia (Rept. 104-376). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. House Joint Resolution 78. Resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois; with an amendment (Rept. 104-377). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on November 30, 1995, the following report was filed on December 1, 1995]

Mr. ROGERS: Committee of Conference. Conference report on H.R. 2076. A bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-378). Ordered to be printed.

[Submitted December 4, 1995]

Mr. ARCHER: Committee on Ways and Means. H.R. 2684. A bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age, and for other purposes; with an amendment (Rept. 104-379). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

[The following action occurred on December 1, 1995]

H.R. 1816. Referral to the Committee on Commerce extended for a period ending not later than December 15, 1995.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

180. By the SPEAKER: Memorial of the Senate of the Commonwealth of Massachusetts, relative to urging the U.S. Congress to propose and submit to the several States an amendment to the Constitution of the United States providing that no court shall have the power to levy or increase taxes; to the Committee on the Judiciary.

181. Also, memorial of the Legislature of the State of Alaska, relative to supporting an exemption from the Jones Act for bulk commodities, such as coal and coal derived fuels, produced in Alaska; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1046: Mr. GORDON, Mr. DEUTSCH, and Mr. JOHNSTON of Florida.

H.R. 1202: Mr. COLEMAN, Mr. LAZIO of New York, and Mr. ROSE.

H.R. 1341: Mr. FROST, Ms. PELOSI, Mr. FOGLIETTA, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. ENGEL, Mr. UNDERWOOD, Mr. MCDERMOTT, Mr. HOYER, and Ms. LOFGREN.

H.R. 1547: Mr. YATES and Mr. PICKETT.

H.R. 2450: Mr. HOEKSTRA, Ms. MCKINNEY, and Mr. BURTON of Indiana.

H.R. 2627: Mr. ANDREWS, Mr. ARCHER, Mr. BAESLER, Mr. BAKER of California, Mr. BARRETT of Wisconsin, Mr. BENTSEN, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BISHOP, Mr. BROWDER, Mr. CASTLE, Mrs. CHENOWETH, Mr. CHRISTENSEN, Miss COLLINS of Michigan, Mr. COLLINS of Georgia, Mr. CONDIT, Mr. CRANE, Mr. CUNNINGHAM, Mr. DEFAZIO, Ms. DELAURO, Mr. DOOLEY, Mr. DORNAN, Mr. DOYLE, Mr. ENGLISH of Pennsylvania, Ms. Eshoo, Mr. EVANS, Mr. FATTAH, Mr. FOGLIETTA, Mr. FORD, Mrs. FOWLER, Mr. GALLEGLY, Mr. GEKAS, Mr. GILMAN, Mr HANCOCK, Ms. HARMAN, Mr. HEINEMAN, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. HUTCHINSON, Ms. JACKSON-LEE, Mr. KANJORSKI, Ms. KAPTUR, Mr. KIM, Mr. KINGSTON, Mr. KLECZKA, Mr. LANTOS, Mr. LAZIO of New York, Mr. LEACH, Mr. LEVIN, Mr. LOBIONDO, Mr. LONGLEY, Mr. MASCARA, Mr. MCCRERY, Mr. MCHUGH, Mr. MCKEON, Ms. MCKINNEY, Mr. MEEHAN, Mr. MFUME, Mr. MICA, Mr. MINGE, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. MURTHA, Mr. NEY, Mr. ORTON, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Ms. RIVERS, Mr. SHUSTER, Mr. SISISKY, Mr. STOCKMAN, Mr. TATE, Mr. TEJEDA, Mr. THOMPSON, Mrs. THURMAN, Mr. UPTON, Ms. VELÁZQUEZ, Mr. VENTO, Mr. WAMP, Mr. WARD, Ms. WATERS, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WHITFIELD, Ms. WOOLSEY, Mr. YOUNG of Alaska, and Mr. ZIMMER.

H.R. 2664: Mr. KNOLLENBERG, Mr. TALENT, Mr. DURBIN, Mr. LOBIONDO, Mr. CHRYSLER, Mr. HOSTETTLER, Mr. WARD, Mr. MANTON, Mr. LANTOS, Ms. FURSE, Mr. LARGENT, Mr. BAKER of California, and Mr. BOEHLERT.

H. Con. Res. 10: Mrs. CHENOWETH and Mr. GORDON.

H. Con. Res. 47: Mr. STARK.

H. Res. 39: Mr. CLAY.