SENATE—*Wednesday, November 12, 1997*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, without whom we can do nothing of lasting value, but with whom there is no limit to what we can accomplish, we ask You to infuse us with fresh strength and determination as we press toward the goal of finishing the work of this 1st year of the 105th Congress. Help us to do all we can, in every way we can, and as best we can to finish well. Inspire us all to follow the cadence of Your drumbeat.

Bless the Senators in these crucial hours. Replace any weariness with the second wind of Your spirit. Rejuvenate those whose vision is blurred by stress, and deliver those who may be discouraged or disappointed. In the quiet of this moment, we return to You, recommit our lives to You, and receive Your revitalizing energy. We accept the psalmist's reorienting admonition, "Wait on the Lord; be of good courage, and He shall strengthen your heart; wait, I say, on the Lord!"—Psalm 27:14. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Kansas, is recognized.

SCHEDULE

Mr. ROBERTS. Mr. President, the Senate will be in a period of morning business until 12:30. If there are no requests for morning business, the Senate may recess for several hours, as the Senate awaits House action on the remaining appropriations matters.

As previously announced, no rollcall votes will occur during today's session. If rollcall votes are necessary tomorrow, the votes will be scheduled within a 4-hour time span. The leader is now attempting to ascertain that 4-hour period. Also, if rollcalls will be necessary during Thursday's session of the Senate, Senators will be notified as soon as a decision is made concerning those possible votes on Thursday.

The Senate is also attempting to complete its business for the first session of the 105th Congress. Therefore, many executive and legislative items are in the clearance process. Needless to say, the cooperation of all Senators is necessary, and the leader and all concerned thank all Members for their patience.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Monday, November 10, 1997, the Federal debt stood at $5,428,066,600,045.67 (Five trillion, four hundred twenty-eight billion, sixty-six million, six hundred thousand, forty-five dollars and sixty-seven cents).

Five years ago, November 10, 1992, the Federal debt stood at $4,081,507,000,000 (Four trillion, eighty-one billion, five hundred seven million).

Ten years ago, November 10, 1987, the Federal debt stood at $2,393,483,000,000 (Two trillion, three hundred ninety-three billion, four hundred eighty-three million).

Fifteen years ago, November 10, 1982, the Federal debt stood at $1,139,807,000,000 (One trillion, one hundred thirty-nine billion, eight hundred seven million).

Twenty-five years ago, November 10, 1972, the Federal debt stood at $436,177,000,000 (Four hundred thirty-six billion, one hundred seventy-seven million) which reflects a debt increase of nearly $5 trillion—$4,991,889,600,045.67 (Four trillion, nine hundred ninety-one billion, eight hundred eighty-nine million, six hundred thousand, forty-five dollars and sixty-seven cents) during the past 25 years.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Kansas, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. In my capacity as a Senator from the State of Kansas, I ask unanimous consent that the Senate stand in recess until 2 p.m.

There being no objection, the Senate, at 12:30 p.m., recessed until the hour of 2:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

MORNING BUSINESS

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Indiana, asks unanimous consent that there now be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each.

Is there objection? The Chair hears none, and it is so ordered.

In my capacity as a Senator from the State of Indiana, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REPORT ON THE CONTINUATION OF THE EMERGENCY REGARDING WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT—PM 80

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On November 14, 1994, in light of the dangers of the proliferation of nuclear, biological, and chemical weapons ("weapons of mass destruction"—[WMD]) and of the means of delivering such weapons, I issued Executive Order 12938, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration, unless I publish in the *Federal Register* and transmit to the Congress a notice of its continuation.

The proliferation of weapons of mass destruction continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I am advising the Congress that the national emergency declared on November 14, 1994, and extended on November 14, 1995 and November 14, 1996, must continue in effect beyond November 14, 1997. Accordingly, I have extended the national emergency declared in Executive Order 12938 and have sent the attached notice of extension to the *Federal Register* for publication.

The following report is made pursuant to section 204(c) of the International Emergency Economic Powers

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), regarding activities taken and money spent pursuant to the emergency declaration. Additional information on nuclear, missile, and/or chemical and biological weapons [CBW] nonproliferation efforts is contained in the most recent annual Report on the Proliferation of Missiles and Essential Components of Nuclear, Biological and Chemical Weapons, provided to the Congress pursuant to section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), also known as the "Nonproliferation Report," and the most recent annual report provided to the Congress pursuant to section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102–182), also known as the "CBW Report."

CHEMICAL AND BIOLOGICAL WEAPONS

The three export control regulations issued under the Enhanced Proliferation Control Initiatives [EPCI] remained fully in force and continue to be applied in order to control the export of items with potential used in chemical or biological weapons or unmanned delivery systems for weapons of mass destruction.

Chemical weapons continue to pose a very serious threat to our security and that of countries friendly to us. On April 29, 1997, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the "Chemical Weapons Convention" or [CWC]) entered into force with 87 of the CWC's 165 signatories as original States Parties. The United States was among their number, having deposited its instrument of ratification on April 25. As of November 5, 104 countries had become States Parties.

Russia did not complete its legislative approval process in time to be among the original CWC States Parties. In our March meeting in Helsinki, President Yeltsin did, however, assure me of his understanding of the importance of the CWC to Russia's own security. On October 31, 1997, the Russian Duma (lower house) approved ratification of the CWC. On November 5, 1997, the Russian Federation Council unanimously approved the CWC and the Russian government deposited its instrument of ratification. Russia's ratification makes it possible for Russia to join the United States in playing a leadership role in ensuring that all of the Convention's benefits are realized.

Given Russia's financial situation during this difficult period of transition to a market economy, serious concerns have been raised about the high costs of environmentally sound destruction of the large stocks of chemical weapons Russia inherited from the former Soviet Union. Through the Cooperative Threat Reduction Program, we are working with Russia to help address these complex problems, and we will continue to do so now that Russia has ratified the CWC.

The Organization for the Prohibition of Chemical Weapons [OPCW] has been established to achieve the object and purpose of the CWC, to ensure the implementation of its provisions and provide a forum for consultation and cooperation among States Parties. The executive organ of the OPCW, the Executive Council, has met five times since May to oversee decisions related to inter alia data declarations, inspections, and organizational issues. The United States plays an active role in ensuring effective implementation of the Convention.

The CWC is an ambitious undertaking by the world community to ban an entire class of weapons of mass destruction. Its members have committed themselves to totally eliminating chemical weapons stocks and production facilities, prohibiting chemical weapons-related activities, banning assistance for such activities and restricting trade with non-Parties in certain relevant chemicals. Destruction of U.S. chemical weapons stocks is moving forward. Other CWC States Parties have now taken on a similar task, and we are working hard with the other members of the CWC to make membership in this treaty universal.

The United States is determined to ensure full implementation of the concrete measures in the CWC that will raise the costs and the risks for any state or terrorist attempting to engage in chemical weapons-related activities. The CWC's declaration requirements will improve our knowledge of possible chemical weapons activities, whether conducted by countries or terrorists. Its inspection provisions provide for access to declared and undeclared facilities and locations, thus making clandestine chemical weapons production and stockpiling more difficult, more risky, and more expensive.

Countries that refuse to join the CWC will be politically isolated and banned from trading with States Parties in certain key chemicals. The relevant Treaty provision is specifically designed to penalize in a concrete way countries that refuse to join the rest of the world in eliminating the threat of chemical weapons.

The United States also continues to play a leading role in the international effort to reduce the threat from biological weapons. We are an active participant in the Ad Hoc Group striving to create a legally binding protocol to strengthen and enhance compliance with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the "Biological Weapons Convention" or (BWC)). This Ad Hoc Group was mandated by the September 1994 BWC Special Conference. The Fourth BWC Review Conference, held in November 1996, commended the work done by the Ad Hoc Group and urged it to complete the protocol as soon as possible but not later than the next Review Conference to be held in 2001. A draft rolling text was introduced by the Chairman at the July Ad Hoc Group session. Work is progressing on insertion of national views and clarification of existing text, largely drawn from the consultative phase of Ad Hoc Group work since 1994. Three-week sessions are scheduled for January, July, and September of 1998. Another 2-week session will be scheduled for either March or December of 1998. Early completion of an effective BWC protocol is high on our list of nonproliferation goals.

The United States continues to be a leader in the Australia Group [AG] chemical and biological weapons nonproliferation regime. Last year, the United States supported the entry into the AG of the Republic of Korea, which became the group's 30th member in time for the October 1996 plenary.

The United States attended this year's annual AG plenary session from October 6–9, 1997, during which the Group continued to focus on strengthening AG export controls and sharing information to address the threat of CBW terrorism. At the behest of the United States, the AG first began in-depth political-level discussion of CBW terrorism during the 1995 plenary session following the Tokyo subway nerve gas attack earlier that year. At the 1996 plenary, the United States urged AG members to exchange national points of contact for AG terrorism matters. At the 1997 plenary, the AG accepted a U.S. proposal to survey all AG members on efforts each has taken to counter this threat.

The Group also reaffirmed the members' collective belief that full adherence to the CWC and the BWC is the best way to achieve permanent global elimination of CBW, and that all states adhering to these Conventions have an obligation to ensure that their national activities support this goal.

AG participants continue to seek to ensure that all relevant national measures promote the object and purposes of the BWC and CWC. The AG nations reaffirmed their belief that existing national export licensing policies and chemical weapons-related items fulfill the obligation established under Article I of the CWC that States Parties never assist, in any way, the acquisition of chemical weapons. Given this understanding, the AG members also reaffirmed their commitment to continuing the Group's activities now that the CWC has entered into force.

The AG also reaffirmed its commitment to continue to provide briefings for non-AG countries, and to promote regional consultations on export controls and nonproliferation to further

awareness and understanding of national policies in these areas.

During the last 6 months, we continued to examine closely intelligence and other reports of trade in chemical weapons-related material and technology that might require action, including evaluating whether sanctions under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 were warranted. In May 1997, we imposed sanctions on seven Chinese entities and one Hong Kong company for knowingly and materially contributing to Iran's CW program through the export of dual-use chemical precursors and/or chemical production equipment and technology. In September 1997, we imposed sanctions on a German citizen and a German company determined to have been involved in the export of chemical production equipment to Libya's CW program.

The United States continues to cooperate with its AG partners in stopping shipments of proliferation concern. By sharing information through diplomatic and other channels, we and our AG partners have been successful in interdicting various shipments destined to CBW programs.

MISSILES FOR WEAPONS OF MASS DESTRUCTION DELIVERY

During the reporting period, the United States carefully controlled exports that could contribute to unmanned delivery systems for weapons of mass destruction and closely monitored activities of potential missile proliferation concern. We also continued to implement U.S. missile sanctions law, in cases where sanctionable activity was determined to have occurred. In August 1997, we imposed sanctions against two North Korean entities determined to have engaged in missile proliferation activities. Similar sanctions imposed in May 1996 remain in effect against two entities in Iran and one entity in North Korea for transfers involving Category II Missile Technology Control Regime [MTCR] Annex items.

During this reporting period, MTCR Partners continued to share information about proliferation problems with each other and with other potential supplier, consumer, and transshipment states. Partners also emphasized the need for implementing effective export control systems. This cooperation has resulted in the interdiction of missile-related materials intended for use in missile programs of concern.

The United States was an active participant in the MTCR's June 1997 Reinforced Point of Contact Meeting [RPOC]. At the RPOC, MTCR Parnters engaged in useful discussions of regional missile proliferation concerns, as well as steps the Partners could take to increase transparency and outreach to nonmembers.

In July 1997, the United States also played a leading role at the Swiss-hosted MTCR workshop on the licensing and enforcement aspects of transshipment. The workshop was successful in focusing attention on the enforcement problems raised by proliferators' misuse of transshipment and fostered a productive exchange of ideas on how countries can better address such activity.

The United States worked unilaterally and in coordination with its MTCR Partners to combat missile proliferation and to encourage nonmembers to export responsibly and to adhere to the MTCR Guidelines. Since the last report, we have continued our missile nonproliferation dialogue with China, the Republic of Korea [ROK], North Korea [DPRK], and Ukraine. In the course of normal diplomatic relations, we also have pursued such discussions with other countries in Central Europe, the Middle East, and Asia.

In June 1997, the United States and the DPRK held a second round of missile talks, aimed at freezing the DPRK's indigenous missile development program and curtailing its missile-related export activities. The DPRK appeared willing to consider limits on its missile-related exports, in return for sanctions-easing measures, but did not engage in discussion of limits on its missile development program. We intend to pursue further missile talks with the DPRK.

In July 1997, we held another round of nonproliferation talks with the ROK. These talks were productive and made progress toward facilitating ROK membership in the MTCR.

In response to reports that Iran had acquired sensitive items from Russian entities for use in Iran's missile development program, the United States intensified its high-level dialogue with Russia on this issue. We held a number of productive discussions with senior Russian officials aimed at finding ways the United States and Russia can work together to prevent Iran's ballistic missile development program from acquiring Russian technology and equipment. This process is continuing.

NUCLEAR WEAPONS

In a truly historic landmark in our efforts to curb the spread of nuclear weapons, the 50th U.N. General Assembly on September 10, 1996, adopted and called for signature of the Comprehensive Nuclear Test Ban Treaty [CTBT], negotiated over the previous 2½ years in the Conference on Disarmament in Geneva. The overwhelming passage of this U.N. resolution (158–3–5) demonstrates the CTBT's strong international support and marks a major success for United States foreign policy. On September 24, 1996, I and other international leaders signed the CTBT in New York.

During 1997, CTBT signatories have conducted numerous meetings of the Preparatory Commission in Vienna, seeking to promote rapid completion of the International Monitoring System established by the Treaty. On September 23, I transmitted the CTBT to the Senate, requesting prompt advice and consent to ratification.

The CTBT will serve several United States national security interests in banning all nuclear explosions. It will constrain the development and qualitative improvement of nuclear weapons; end the development of advanced new types; contribute to the prevention of nuclear proliferation and the process of nuclear disarmament; and strengthen international peace and security. The CTBT marks an historic milestone in our drive to reduce the nuclear threat and to build a safer world.

Formal preparations for the year 2000 Review Conference for the Treaty on the Non-Proliferation of Nuclear Weapons [NPT] began in 1997 with the first of three annual Preparatory Committee meetings of the Parties to the Treaty. The United States is committed to working to ensure that the 2000 NPT Review Conference will further strengthen the NPT and reinforce global nuclear nonproliferation objectives. Since the 1995 NPT Conference, eight additional states have joined the NPT, leaving only five states worldwide currently outside the NPT regime. The NPT Exporters (Zangger) Committee added China to its membership in 1997.

The Nuclear Suppliers Group [NSG] continued its efforts to upgrade control lists and export control procedures. NSG members confirmed their agreement to clarifications to the nuclear trigger list to accord with trigger list changes agreed to by the members of the NPT Exporters (Zangger) Committee, and the International Atomic Energy Agency published these understandings on September 16, 1997. The NSG also is actively pursuing steps to enhance the transparency of the export regime in accordance with the call in Principles 16 and 17 of the 1995 NPT Review and Extension Conference.

The NSG held an export control seminar in Vienna on October 8 and 9, 1997, which described and explained the role of the NSG (and the Zangger Committee) in preventing nuclear proliferation. The NSG also continued efforts to enhance information sharing among members regarding the nuclear programs of proliferant countries by (1) "officially" linking the NSG members through a dedicated computer network allowing for real-time distribution of license denial information, and by (2) creating a separate session for exchange of information on the margins of the NSG plenary meeting.

NSG membership will increase to 35 with the acceptance of Latvia. The ultimate goal of the NSG is to obtain the agreement of all suppliers, including nations not members of the regime, to

control nuclear and nuclear-related exports in accordance with the NSG guidelines.

EXPENSES

Pursuant to section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I report that there were no expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order 12938 during the semiannual reporting period.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 12, 1997.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on November 10, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 282. An act to designate the United States Post Office building located at 153 East 110th Street, New York, New York, as the "Oscar Garcia Rivera Post Office Building."

H.R. 681. An act to designate the United States Post Office building located at 313 East Broadway in Glendale, California, as the "Carlos J. Moorhead Post Office Building."

H.R. 1057. An act to designate the building in Indianapolis, Indiana, which houses the operations of the Indianapolis Main Post Office as the "Andrew Jacobs, Jr. Office Building."

H.R. 1058. An act to designate the facility of the United States Postal Service under construction at 150 West Margaret Drive in Terre Haute, Indiana, as the "John T. Myers Post Office Building."

H.R. 1377. An act to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

H.R. 1479. An act to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Building and United States Courthouse."

H.R. 1484. An act to redesignate the United States courthouse located at 100 Franklin Street in Dublin, Georgia, as the "J. Roy Rowland United States Courthouse."

H.R. 2129. An act to designate the United States Post Office located at 150 North 3rd Street in Steubenville, Ohio, as the "Douglas Applegate Post Office."

H.R. 2564. An act to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McCloskey Postal Facility."

H.R. 2631. An act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105-45.

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

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills and joint resolution were signed on November 10, 1997, during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. HARKIN:

S. 1522. A bill to authorize the Secretary of Agriculture to provide assistance to rural cooperatives; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1523. A bill to allow for the investment of joint Federal and State funds from the civil settlement of damages from the *Exxon Valdez* oil spill; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 1524. A bill require the Secretary of Health and Human Services to conduct an ongoing study of the health consequences of nuclear weapons tests; to the Committee on Labor and Human Resources.

By Mr. SPECTER (for himself and Mr. BIDEN):

S. 1525. A bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1522. A bill to authorize the Secretary of Agriculture to provide assistance to rural cooperatives; to the Committee on Agriculture, Nutrition, and Forestry.

THE RURAL COOPERATIVE ACT

Mr. HARKIN. Mr. President, I am pleased to introduce the Rural Cooperative Act, a measure proposed by the administration. Under current law, the Rural Business—Cooperative Services within the Rural Development Administration provides a wide variety of services for farm cooperatives. They conduct economic analysis, provide advice on how to form and best operate cooperatives and a wide variety of other services for farm cooperatives, including how to deal with the complex laws under which cooperatives operate.

Farm cooperatives are very important in rural America. They allow farmers to come together to purchase goods, to sell their products, and to process their agricultural commodities under farmer ownership. Some cooperatives only perform one of those functions. Some do two or three of them. In all cases, they allow farmers to come together and more effectively bargain for a fair price.

Funding for cooperative services within the Department of Agriculture has been under considerable constraint in recent years and it is now difficult for the Department to provide the full range of services allowed by law to farm cooperatives. I do not want to see those services reduced. But, I do agree with the administration, that cooperative services should also be available to those in rural areas, in addition to farmers who want to form cooperatives. Therefore, I am introducing the administration-proposed bill to broaden the responsibilities of the Department in this area. I do so, requesting that the administration increase its request for funding to carry out these additional responsibilities and will be urging that the Appropriations Committee appropriately increase funding in this area.

The bill provides that rural residents who are considering forming a cooperative for one of a number of purposes or who have formed a cooperative may receive a variety of kinds of assistance from USDA.

The types of cooperatives that would benefit would include those purchasing consumer goods, business products or services, health care, utilities, communications, child and day care, housing, credit, insurance, or other goods or services. It would also include cooperatives that market goods made by members or goods made by the cooperative.

The Department could provide advice for such cooperatives including conducting economic surveys and analysis of proposed cooperative activities. It would also conduct surveys of cooperatives and issue reports about them as well as promote rural cooperative principles and practices.

The bill authorizes such sums as might be necessary to carry out the purposes of the act.

I urge that the Congress consider and pass this bill in the coming year.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1523. A bill to allow for the investment of joint Federal and State funds from the civil settlement of damages from the *Exxon Valdez* oilspill; to the Committee on the Judiciary.

INVESTMENT OF "EXXON VALDEZ" TRUST FUNDS LEGISLATION

Mr. MURKOWSKI. Mr. President, I rise to introduce legislation that will allow more sensible investment of the funds jointly received by the Federal Government and the State of Alaska from the civil settlement of damages arising from the *Exxon Valdez* oilspill.

The settlement provided for Exxon to pay the Federal and State governments a total of $900 million over a 10-year period ending in 2001. Approximately $280 million remains to be paid under this agreement. Under the consent decree, the money is to be used for the recovery of damaged resources, and is to be managed as a joint Federal-State trust fund, administered by the Exxon

Valdez Oil Spill Trustee Council, which includes representatives of three Federal and three State agencies. Under the consent decree, moneys not immediately expended are to be placed with the U.S. District Court, Fifth Circuit Court Registry Investment System.

Recently, the trustees requested that Congress adopt measures to allow them to invest this money outside the Court Registry Investment System, in which earnings are limited to approximately 5 percent, and are further reduced by fees of 10 percent of the earnings. In the opinion of the trustees, even extremely conservative investment outside the court registry could yield an additional $20 to $30 million by 2002, which could greatly enhance continuing restoration projects.

This bill responds to the trustees' request. It will allow investment outside the court registry system. Let me emphasize, however, that this authority is entirely discretionary. The trustees may use it to reinvest settlement moneys or not, as they deem appropriate. Further, Mr. President, as an added protection, the district court must approve any reinvestment.

The bill also directs that the earnings on the new investment be used for marine research and monitoring, and for community and fishing industry economic restoration. This provision is needed to ensure attention to these important areas.

Here again, let me make sure I am absolutely clear. The bill I am offering does not prevent the purchase of land or easements. It simply directs that the earnings—and only the earnings—on new investment go to other, equally valid purposes.

The trustee council has already spent a large part of the money received from Exxon on land acquisition and easements that limit the use of land it has not purchased outright. To date, the total is about 424,000 acres, and the trustees' intention is to purchase or restrict as much as 750,000 acres.

The Federal Government already owns 248 million acres of Alaska—more than the eastern seaboard from Maine to Florida, which is home to one-third of the entire population of the United States. Inside the spill area, there already are 20 different parcels of protected State and Federal lands, including the Kodiak National Wildlife Refuge, Katmai National Park and Preserve, and the Chugach National Forest and Copper River Delta Critical Habitat Area.

Many of the trustees' additional land acquisitions have been for the purpose of habitat protection, and are valuable to the trustees' restoration mission, but some have included the purchase of land that has already been logged or land on which public access is restricted despite being purchased by public funds. These purchases are not so easy to justify.

The trustees have already published plans to spend almost all of the $900 million. By the time Exxon makes its last payment, the only money not already spent will be the 12 percent the council is tucking away in a restoration reserve.

After inflation-proofing, interest on this account could provide about $2.1 million annually for long-term research and economic reconstruction projects—or could vanish in more land acquisitions.

Finally, Mr. President, my bill also provides for the new investment authority to sunset in 2002 unless the trustees bring to Congress their thoughts on how an independent board might be created to administer the funds remaining after 2002. Personally, I'd like to see them recommend an independent, scientifically-oriented group to guide a long-term research program—a board that would call for proposals, arrange for scientific peer review, publish findings, and so forth, without the appearance of conflict that exists when the trustees are funding projects in which their own agencies are involved.

This is a responsible approach to a difficult issue. It gives the trustees the additional investment authority they want without prohibiting them from spending principal or the earnings from investments that remain in the court registry system however they choose, including more land acquisition. It does, however, encourage them to look at some areas that are equally important to the task of once again making whole both the resources and the people affected by the oil spill.

Mr. President, I ask unanimous consent for the text of the bill to be printed in the RECORD. I hope that we can take it up early next year, and urge my colleagues' support.

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

S. 1523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding any other provision of law, upon the joint motion of the United States and the State of Alaska and the issuance of an appropriate order by the United States District Court for the District of Alaska, the joint trust funds or any portion thereof, including any interest accrued thereon, previously received or to be received by the United States and the State of Alaska pursuant to the Agreement and consent decree issued in *United States* v. *Exxon Corporation*, et al. (No. A91-082 CIV) and *State of Alaska* v. *Exxon Corporation*, et al. (No. A91-083 CIV) (hereafter referred to as the "Consent Decree"), may be deposited in appropriate accounts outside the Court Registry, including the Natural Resource Damage Assessment and Restoration Fund (hereafter referred to as the "Fund") established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1992 (Pub. L. 102-154, 43 U.S.C. 1474b) and such accounts outside the United States Treasury consisting of income-producing obligations and other instruments or securities of a type or class that have been determined unanimously by the federal and state natural resource trustees for the *Exxon Valdez* oil spill to have a high degree of reliability and security: *Provided*, That any joint trust funds in the Fund and any such outside accounts that have been approved unanimously by the trustees for expenditure by or through a state or federal agency shall be transferred promptly from the Fund and such outside accounts to the State or United States upon the joint request of the governments: *Provided further*, that the transfer of joint trust funds outside the Court Registry shall not affect the supervisory jurisdiction of such District Court under the Consent Decree or the Memorandum of Agreement and Consent Decree in *United States* v. *State of Alaska* (No. A91-081-CIV) over all expenditures of the joint trust funds: *Provided further*, That nothing herein shall affect the requirement of section 207 of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for the Incremental Cost of "Operation Desert Shield/Desert Storm" Act of 1992 (Pub. L. 102-229, 43 U.S.C. 1474b note) that amounts received by the United States and designated by the trustees for the expenditure by or through a federal agency must be deposited into the Fund, *Provided further*, That any interest accrued under the authority in this section may be used only for grants for marine research and monitoring (including applied fisheries research) and for community and economic restoration projects (including projects proposed by the fishing industry and facilities), *Provided further*, That the federal trustees are hereby authorized to administer such grants: *Provided further*, That the authority provided in this section shall expire on September 30, 2002, unless by September 30, 2001 the trustees have submitted to the Congress a proposal to authorize in federal statute a board to administer funds invested, interest received, and grants awarded from such interest.

By Mr. HARKIN:

S. 1524. A bill require the Secretary of Health and Human Services to conduct an ongoing study of the health consequences of nuclear weapons tests; to the Committee on Labor and Human Resources.

NATIONAL CANCER INSTITUTE HEALTH STUDY LEGISLATION

Mr. HARKIN. Mr. President, I rise to introduce a bill requiring studies of the health effects of nuclear weapons testing. This would build upon the study by the National Cancer Institute that was released October 1 of this year.

On October 1, following some major news coverage, the NCI testified before the Senate Labor, HHS, and Education Appropriations Subcommittee on their efforts to connect nuclear weapons testing with thyroid cancer. The NCI testimony and the report released that day were startling. Atomic bomb tests in Nevada during the 1950's exposed millions of Americans—particularly children—to large amounts of radioactive iodine-131. The levels of radioactive iodine exposure is far worse than previously reported by the Government. Hot spots where the iodine-131 fallout was greatest includes many

counties far away from Nevada, including New York, Massachusetts, and Iowa.

Hot spots were identified as receiving as high as 5–16 rads of exposure of iodine-131, with children being exposed to a risk up to 10 times higher. Iodine-131, which accumulates in the thyroid gland, has been linked to thyroid cancer. To give some understanding of the enormity of the U.S. atomic tests in Nevada, 116 million curies of iodine-131 were released in the United States above ground tests. This compares to 7.3 million from Chernobyl disaster the former Soviet Union. The NCI report clearly shows that the U.S. atomic tests exposed a lot of people to risks now considered unacceptable.

The topic hits very close to home for me. During the 1950's, I was living in the small town of Cumming located in south-central Iowa. Along with many Iowans, I lived in the hot spots detailed by the NCI study. Further, like many of my neighbors, I drank milk from the cows kept on our farm. This increased the risk faced by myself and my family because radioactive iodine accumulates in milk.

The NCI report has attracted a lot of attention. Much of this stems from the history of nuclear weapons testing. As we all know, the U.S. Government was fairly cavalier with its nuclear weapons program during the early days of the cold war. Historians can argue about the reasons, but most people recognize the terrible toll suffered by the American public because of our nuclear weapons program. Only recently has the extent of exposure to radiation and other hazards to the "down winders" living near nuclear weapons sites such as the Nevada test site, Hanford in Washington State, and the Marshall Islanders in the South Pacific.

So it is no surprise that a report detailing exposure to millions of Americans would attract attention. However, we need to continue the research into the health impact of nuclear weapons testing. That is why I am introducing this bill to require further study by the Department of Health and Human Services.

The HHS study will build upon the NCI study. There is strong evidence that exposure to other radioactive isotopes that were spread by nuclear weapons tests such as strontium 90, cesium 137 and barium 140 could lead to bone cancer, leukemia, higher infant mortality, and a host of other illnesses. This needs to be examined. So do the nuclear weapons tests that took place not only at the Nevada test site, but at other places as well. For example, the NCI report did not examine the nuclear weapons testing conducted by the United States in Mississippi, Alaska, New Mexico, Colorado, or the South Pacific. The studies should research not only the United States nuclear weapons program, but also tests by foreign nations including the Soviet Union and its successor states, France, China, India, and Great Britain.

I also believe that such studies should be conducted in an open manner. For example, this bill will require that the studies fall under the review authority of the Advisory Committee on Energy Related Studies and other entities established by the Federal Government to ensure public accountability over health related studies pertaining to nuclear weapon research, production, and testing. The bill also requires that HHS report to Congress within 90 days of passage as to its plan for completing the studies, as well as report to Congress each year on its progress.

This is a simple bill that seeks some understanding of the health consequences of our nuclear weapons testing program. I would ask my fellow colleagues to review and support this important legislation.

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

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

S. 1524

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

SECTION 1. ONGOING STUDY ON HEALTH CONSEQUENCES OF NUCLEAR WEAPONS TESTS.

(a) REQUIREMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct an ongoing study of the health consequences of nuclear weapons tests.

(2) COVERED TESTS.—In conducting the study, the Secretary shall, to the maximum extent practicable, consider nuclear weapons tests (including above ground tests and below ground tests) by the United States, France, Great Britain, India, the People's Republic of China, the Soviet Union and its successor states, and any other foreign nation that has conducted nuclear weapons tests.

(3) PARTICULAR EXPOSURES.—In conducting the study, the Secretary shall consider, in particular, the following:

(A) The health consequences of exposure to plutonium, strontium-90, iodine-131, radioactive cesium, and any other radioactive element produced by a nuclear weapon test.

(B) The health consequences of exposure to such elements for high-risk populations and for the general population.

(4) REVIEW.—The Secretary shall provide on an-going basis for guidance and review of the conduct of the study, and review of the results of the study, by the Advisory Committee on Energy-Related Epidemiologic Research of the Department of Health and Human Services and by such other entities engaged in the review of governmental studies relating to nuclear weapons activities as the Secretary considers appropriate.

(b) REPORTS.—

(1) PRELIMINARY PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report setting forth the Secretary's plan for the conduct of the study under this section. The report shall set forth an estimate of the annual costs of the study.

(2) ANNUAL REPORTS.—Not later than one year after the date of the submittal of the report under paragraph (1), and annually thereafter, the Secretary shall submit to Congress a report on the results of the study during the one-year period preceding the date of the report.

(c) FUNDING.—The Secretary of Energy shall transfer to the Secretary of Health and Human Services each fiscal year, from amounts appropriated for the Department of Energy for such fiscal year for weapons activities, such amounts as the Secretary of Energy and the Secretary of Health and Human Services jointly determine appropriate to permit the Secretary of Health and Human Services to conduct activities relating to the study under this section during such fiscal year.

By Mr. SPECTER (for himself and Mr. BIDEN):

S. 1525. A bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty; to the Committee on the Judiciary.

THE PUBLIC SAFETY OFFICERS EDUCATIONAL ASSISTANCE ACT OF 1998

Mr. SPECTER. Mr. President, I seek recognition today to join Senator BIDEN in introducing the Public Safety Officers Educational Assistance Act of 1998. The purpose of this bill is to build on legislation we passed last Congress and provide education benefits to the families of slain or disabled State and local public safety officers.

Last year, Congress passed the Federal Law Enforcement Dependents Assistance Act. This law provides for the education of the spouse and dependent children of Federal law enforcement officers who die or are totally disabled in the line of duty.

I was moved to introduce last year's legislation after meeting with the widow of Mr. Bill Degan, the U.S. marshal who was killed in the tragic incident at Ruby Ridge. Mrs. Karen Degan, his widow, brought to my attention the fact that the families of slain Federal law enforcement officers were not eligible to receive the educational benefits which the Government gives to the families of slain soldiers in our armed services. My legislation eliminated this disparity.

The program we created last year, however, is only available to the children of Federal law enforcement officers. Yet the idea behind the law applies equally to all public safety officers, Federal, State, or local. When someone gives his or her life protecting the safety and well-being of the general public, it is the very least we can do to ensure that the officer's children and/or spouse can continue on the educational path they would have followed had their parent or spouse not been killed in the line of duty.

Today we seek to remedy this disparity between Federal and non-Federal officers by introducing the Public

Safety Officers Educational Assistance Act of 1998. This legislation will extend these same educational benefits to the dependents of all public safety officers—Federal, State, county and local law enforcement officers, correctional officers, and fire and rescue personnel—who have given their lives in the line of duty.

Under this bill, the Attorney General will administer a program which will provide up to $4,485 per child, per year to attend a 4-year college. This is the same amount of educational assistance the Federal Government provides to the dependents of slain or disabled veterans and Federal law enforcement officers. I would note that this program is subject to appropriations and does not constitute an entitlement.

I would prefer that we did not have to worry about death and disabling injuries for public safety officials, but it is a fact of life that every year there are tragic losses. We are obligated to remember the families of those officers who have paid the ultimate price to keep our streets and homes safe.

Mr. BIDEN. Mr. President, last year the Senate passed the Federal Law Enforcement Dependents Assistance Act. A law which provides for the education of the spouse and dependent children of Federal law enforcement officers who die or are totally disabled in the line of duty.

The purpose of the legislation was to remove a significant financial burden from the families of these deceased officers and to allow them to continue on the educational path they would have followed had their parent or spouse not been killed in the line of duty.

This fall, several young men and women were able to go to college under this program. Unfortunately, this program is only available to the children of Federal law enforcement officers.

Mr. President, I rise today to introduce the Public Safety Officers Educational Assistance Act of 1998. This legislation will extend these same educational benefits to the dependents of all public safety officers—Federal, State, county, and local law enforcement officers, correctional officers, and fire and rescue personnel—who have given their lives in the line of duty.

Under my bill, the Attorney General will administer a program which will provide up to $4,485 per child, per year to attend a 4-year college. This is the same amount of educational assistance the Federal Government provides to veterans.

It is critical that we remember the families of those officers who have made the ultimate sacrifice to keep our streets and homes safe. This bill is intended to allow the dependents of public safety officers to continue with their education as they would have been able to do had their parent not been killed or totally disabled in the line of duty.

I have long been concerned about the plight of families of public safety officers killed in the line of duty—this summer, I introduced an amendment to the Budget Reconciliation Act which provides for the favorable tax treatment of survivor death benefits paid to the families of fallen officers. In that vein, this legislation offers assurance to those in the public safety profession—and even to those considering service as public safety officers—that their loved ones will be able to attain their educational goals in their absence.

ADDITIONAL COSPONSORS

S. 71

At the request of Mr. DASCHLE, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 567

At the request of Mr. SMITH, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 567, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 834

At the request of Mr. HARKIN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 834, a bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES.

S. 852

At the request of Mr. LOTT, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 981

At the request of Mr. LEVIN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

S. 1029

At the request of Mr. DEWINE, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 1029, a bill to provide loan forgiveness for individuals who earn a degree in early childhood education, and enter and remain employed in the early child care profession, to provide loan cancellation for certain child care providers, and for other purposes.

S. 1141

At the request of Mr. JOHNSON, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

S. 1283

At the request of Mr. BUMPERS, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1287

At the request of Mr. JEFFORDS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1287, a bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

S. 1320

At the request of Mr. ROCKEFELLER, the names of the Senator from Kentucky [Mr. FORD], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1320, a bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf war for purposes of determining a service connection relating to such illnesses, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits Program to ensure the availablity of adequate health care for

Medicare-eligible beneficiaries under the military health care system.

S. 1367

At the request of Mrs. HUTCHISON, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 1367, a bill to amend the act that authorized the Canadian River reclamation project, Texas to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project.

S. 1504

At the request of Mr. GRAHAM, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1504, a bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HOLLINGS, the names of the Senator from South Dakota [Mr. DASCHLE], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of Senate Concurrent Resolution 52, a concurrent resolution relating to maintaining the current standard behind the "Made in USA" label, in order to protect consumers and jobs in the United States.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. GREGG, the names of the Senator from California [Mrs. BOXER], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution declaring the annual memorial service sponsored by the National Emergency Medical Services Memorial Service Board of Directors to honor emergency medical services personnel to be the "National Emergency Medical Services Memorial Service."

SENATE CONCURRENT RESOLUTION 59

At the request of Mr. ABRAHAM, his name was added as a cosponsor of Senate Concurrent Resolution 59, a concurrent resolution expressing the sense of Congress with respect to the human rights situation in the Republic of Turkey in light of that country's desire to host the next summit meeting of the heads of state or government of the Organization for Security and Cooperation in Europe [OSCE].

AMENDMENT NO. 1543

At the request of Mr. KERRY his name was added as a cosponsor of amendment No. 1543 proposed to S. 1139, an original bill to reauthorize the programs of the Small Business Administration, and for other purposes.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, November 12, 1997, at 2 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on judicial nominations.

COMMITTEE ON THE JUDICIARY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, November 12, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on the Copyright Office report on compulsory licensing of broadcast signals.

SUBCOMMITTEE ON READINESS

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 1 p.m. on Wednesday, November 12, 1997, in open session, to receive testimony on military training and readiness impact of the protocols to the framework convention on climate change.

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

ADDITIONAL STATEMENTS

TRIBUTE TO J. FRED CARBINE

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to J. Fred Carbine. Fred died this summer at the age of 59. I had the honor of knowing Fred both as a partner and a friend. He will be remembered as much for his professional accomplishments as for his humor.

Fred began his memorable career after passing the bar in 1962. He served as a Rutland County grand juror and was the first assistant clerk for the Vermont House of Representatives from 1963 until 1968. Fred then filled a seat on the board of aldermen until 1978, during which time he served as board president for 7 years. After his tenure as an alderman, he opened a law practice, at which I had the great pleasure of having him as a partner.

Among his many interests, Fred was a member and governor of the Rutland Moose Lodge, for which he was awarded the order's highest degree in 1985. True to his nature, Fred gave a great deal back to his community. He worked with the Salvation Army, Knights of Columbus, and the Masonic Temple, among many others.

Fred had a marvelous wit and a wonderful sense of humor. He loved to tell stories and always thought the best of everyone.

Fred Carbine had many friends, and I consider myself lucky to be one of them. He was a brilliant lawyer and a wonderful man. I would like to extend my condolences to the family and friends of Fred Carbine.•

THE CHILDREN'S INN

• Mr. JOHNSON. Mr. President, I rise today to recognize the Children's Inn of Sioux Falls, SD, and to pay tribute to two women, Connie Kolbrek and Marlene Weires, whose dedicated service has enlightened the lives of many South Dakota women and children.

This fall, the Children's Inn is celebrating its 20th anniversary of providing emergency outreach services to women and children in the greater Sioux Falls community. When the Children's Inn first opened its doors in an unfurnished two-bedroom bungalow, its primary directive was to provide emergency shelter for children who are victims of abuse and neglect. Staff members realized that an unsafe environment for children was also unsafe for adult victims of abuse, and the inn extended its outreach to all victims of domestic violence. Shortly thereafter, it became apparent that the inn's services were in high demand, and the inn moved to larger facilities and expanded its staff. Currently, the inn serves as many as 3,000 people annually and employs 39 staffers. While the inn continues to function under its founding purpose, it has expanded its services to include a crisis phone line, drop-in counseling, support groups for women and children, parenting classes, and classes for abusers.

Mr. President, the Children's Inn clearly has filled a significant void in the lives of many Sioux Falls women and children, and the 20th anniversary is a true milestone. However, none of its success would be realized today if it were not for the tireless work of Connie Kolbrek and Marlene Weires. Connie served as the first executive director from 1977 to 1984. Her dedication and commitment to children helped to transform the inn from a simple idea on paper to a mainstay in the Sioux Falls nonprofit community. Marlene has served as the inn's executive director from 1985 until present, and her selfless service has produced many of the extension services which are available to the public today. Although Marlene is planning her retirement, I am confident that she will maintain her peripheral support. The Children's Inn and the women and children of Sioux Falls were blessed with her many years of service.

Again, I applaud the Children's Inn on its 20th anniversary, and recognize the selfless work of the staff. Mr. President, I yield the floor today, knowing that the Children's Inn is a beacon of hope for many victims of abuse and neglect.•

AWARD DINNER HONORING ORVILLE AND RUTH MERILLAT

• Mr. ABRAHAM. Mr. President, I rise today in recognition of Orville and Ruth Merillat. Mr. and Mrs. Merillat are long time residents of their community, and on Tuesday, November 18,

1997, they will receive the Great Sauk Trail Council of Boy Scouts of America's Award as its Distinguished Citizens of the Year for 1997.

Orville and Ruth Merillat are great stewards to their community. In 1946, they began transforming a small business into the largest one of its kind in the United States. Manufacturing kitchen and bath cabinetry, the Merillats have devoted their time, resources, and financial success to make the community of Lenawee County a better place to live. They have unselfishly committed all they have gained to their business, their employees, and their community.

Therefore, it is with great respect and gratitude that I extend my most sincere congratulations to Orville and Ruth Merillat. Their dedication to their community, and all of Michigan is truly inspirational. It is with great honor that I rise today to recognize the accomplishments of the Merillats as Lenawee County's Distinguished Citizens of the Year.●

IN HONOR OF THE HUGHES' 50TH WEDDING ANNIVERSARY

● Mr. MOYNIHAN. Mr. President, I would like to call to your attention a most momentous and joyful occasion. Rose Marie Pitman and John Lawrence Hughes will celebrate their 50th wedding anniversary on November 27, 1997.

Rose Marie Pitman, daughter of Reine and Hugo Pitman, and John Lawrence Hughes, the son of Margaret and John Hughes, were wed at the Chapel of the Royal Hospital in London, England 50 years ago. Living and working for many years in New York City and Connecticut, the Hughes family includes sons Timothy and Ian, and daughter Sandra.

In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of till death do us part seriously, demonstrating successfully the timeless principles of love, honor, and fidelity.

Mr. President, I ask that you join me, our colleagues, and the entire Hughes family in recognizing the wonderful sense of achievement and happiness that marks the occasion of the Lawrence and Rose Hughes' golden wedding anniversary.●

TRIBUTE TO HENRY CARRIS

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to a good friend and great Vermonter, Henry Carris. Henry died on June 25, 1997, at the age of 85. As founder of Carris Reels, a nationally recognized enterprise, Henry was the epitome of everything that is good about business.

He understood the importance of appreciating his good fortune and giving something back to the community. Henry was an active advocate for improved educational opportunities in the Rutland area. Accordingly, he served on the Rutland School Board and was instrumental in developing the Rutland Area Art Association.

In addition, Henry was a member of the board for Rutland's Regional Medical Center and was selected to act as president for the local chamber of commerce. In light of his outstanding achievements and dedication to the people of Vermont, Henry was named "Man of the Year" for Rutland and "Citizen of the Year" for the State.

At a ceremony recognizing his achievements, he stressed the importance of family and friends. Henry clearly understood the secrets to success and was more than willing to share the wealth of his wisdom.

For those of us who had the good fortune to know him, Henry Carris' energy and enthusiasm left an indelible impression. He exemplifies what all of us should strive to achieve. I would like to extend my condolences to his family and friends.●

DISTRICT OF COLUMBIA APPROPRIATIONS BILL

● Ms. MOSELEY-BRAUN. Mr. President, on Sunday evening, the Senate completed its work on H.R. 2607, a bill providing appropriations for the District of Columbia for fiscal year 1998.

I have serious concerns with several provisions of this bill—provisions which I, in good conscience, cannot support.

Perhaps these problems could have been resolved had this bill been considered early and passed on time. There is a time to debate, however, and a time to act. This session of the 105th Congress is nearing a close, and that fact means that we must enact a D.C. funding bill—now.

One of my concerns centers on a provision included in the bill that will grant permanent residence to almost 250,000 nationals of Central America and Eastern Europe. Those covered by the provisions, including Nicaraguans, Cubans, Salvadorans, and Guatemalans, fled to the United States and sought haven during the civil wars in Central America in the 1980's. These individuals have been allowed to remain here temporarily under various Government immigration programs and court settlements.

The 1996 Immigration Act, however, denied recourse to permanent residency for most of this class. This provision grants permanent residence to these nationals on a case-by-case basis if their return would pose unusual hardship.

While I support this provision, I must once again state for the record my strong objections to the decision by the conferees to exclude approximately 18,000 Haitian refugees from this provision. This exclusion was not only patently unfair, but suggests almost a tin ear on the racial implications of this action. In the absence of a good reason for this exclusion, I can see no other justification for denying these individuals equal relief. I am certain that this is not the signal this body intended to send.

I am heartened, however, that an agreement has been reached with the Justice Department that will allow these Haitians to remain in the country until this matter is resolved legislatively. I am also encouraged by the commitment made by congressional leadership to take up this issue during the next session of Congress. I encourage all of my colleagues to support legislation that I have cosponsored, along with Senators GRAHAM, MACK, ABRAHAM, and KENNEDY that would resolve this issue.

I am also troubled by a provision in this bill that would prohibit the District of Columbia from using local revenues to fund full reproductive health services for women.

Clearly it is within the jurisdiction of Congress to restrict Federal funds for abortion services. That decision was upheld in 1980 by the Supreme Court in the Harris versus McRea decision. In that same ruling, however, the Court clearly asserted that decisions on abortion services for poor women, financed with State funds, were within the authority of the States.

Unfortunately for the people of the District of Columbia the Court has provided no such protection. The people of this city, therefore, cannot make decisions regarding the use of locally raised revenue, for abortion services or any other purpose.

The result is that the District is used as a guinea pig for Congress' social experiments. In this instance, opponents of full access to reproductive health services, including abortion, for poor women are furthering their agenda at the expense of democracy.

Again, I would have liked to have these matters resolved before the vote, however, I am hopeful that we can rectify them in the next session.●

THE 50-STATE CIRCULATING QUARTER

● Mr. CHAFEE. Mr. President, the Senate has approved unanimously a bill I introduced with Senator D'AMATO which will permit each State to design the back of the circulating quarter dollar. I would like to express my gratitude to Senator D'AMATO for his work to ensure passage of this proposal before adjournment and to the long list of colleagues who cosponsored this bill.

As we all know, the circulating quarters in use today are Washington/Eagle quarters. They have a bust of George Washington on the "head" side and an eagle on the "tail" side. Under this legislation, beginning in 1999, the mint will strike only statehood quarters until all 50 States are represented. Only the design on the back of quarters will change. There will be no changes whatsoever to the size, weight, or other

specifications of quarters. This uniformity is necessary to ensure that these new quarters will continue to work in vending machines, telephones, parking meters, and for other similar transactions.

This program will operate for 10 years, with the mint producing five different statehood coins per year. The order in which States will be represented is based on the order in which States ratified the Constitution and joined the Union.

Some might ask what the purpose of this proposal is; why not leave well enough alone. It is my hope that this proposal will spark interest in every State across our Nation about its unique history. I hope that school children begin to study the history of their States in search of an appropriate individual or emblem to represent their States on the reverse side of these quarters. I hope that artists, coin collectors, historians, and scholars debate and ultimately join together to suggest an appropriate representation for their State.

I know that there are a wide range of appealing options for my own State of Rhode Island. Of course, there is the founder of Rhode Island, Roger Williams or Anne Hutchinson, who, like Roger Williams, dedicated her life to the principles of religious freedom and tolerance. There is the Anchor of Hope, which is our State motto and is shown on our flag. Rhode Island is the Ocean State, so a seascape would be interesting proposal, as would be a lighthouse or a gull.

As the coins are minted, I hope that school children as well as adults will collect these coins, and, in doing so, will become curious about the places these coins represent. This modest proposal could lead to a greater interest in geography and history.

The final design for each State will be selected by the Secretary of the Treasury in consultation with the appropriate Governor, the Commission on Fine Arts, and the Citizens Commemorative Coin Advisory Committee. Each State will nominate a design to the Secretary.

Last year, legislation was enacted which instructed the Secretary of the Treasury to study the feasibility of a circulating commemorative coin. That study found that there is considerable public interest in the circulating commemorative quarter and that collecting such coins would produce significant earnings. The bill that the Senate approved today will implement this program. Identical legislation has been approved by the House, and I urge the President to sign it into law when it reaches his desk.●

TRIBUTE TO GERALD T. LLOYD

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to a good friend and great Vermonter, Gerald T. "Giggy" Lloyd. After 40 years of dedicated service as fire chief for Rutland, VT, Giggy retired this summer.

Giggy's memorable career has been spent protecting the people of Vermont against fires. However, his concern about safety extends beyond the people he protects. He is also concerned about the safety of the people in his department. After 13 years as fire chief, Giggy has accomplished many remarkable tasks. When he first became fire chief in 1985, his first concern was for the members of his department. He set out to improve their equipment and better train the employees to protect them against harm, and he has accomplished that task. Since Giggy has been fire chief, there have been no serious injuries within the department. Giggy's dedication and concern for others is an outstanding example for everyone to follow.

Giggy has extended himself beyond being fire chief as well. He became the city's fire prevention officer in 1976 and worked tenaciously to increase the use of safety features such as smoke alarms and fire resistant doors.

Giggy Lloyd has courageously committed his life to protecting the people of Vermont, and he is the finest example of Vermont 's commitment to excellence. Once again, I would like to extend my best wishes on Giggy Lloyd's retirement and congratulate him on a job well done.●

ORDERS FOR THURSDAY, NOVEMBER 13, 1997

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Thursday, November 13. I further ask unanimous consent that on Thursday, immediately following the opening prayer, the routine requests through the morning hour be granted and that the Senate proceed to a period of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. COATS. Mr. President, for the benefit of our colleagues, tomorrow the Senate will be in a period of morning business from 10 a.m. until 11 a.m. It is hoped that during tomorrow's session of the Senate, the Senate will be able to complete its business for the first session of the 105th Congress.

As Members are aware, the Senate is awaiting House completion of the appropriations process. As previously announced, Members will be notified as to if or when rollcall votes will be necessary during Thursday's session. If votes are necessary, they will be scheduled within a 4-hour time span.

In addition, Members are reminded that there are a number of legislative and executive items that may be cleared prior to Senate adjournment, therefore, Members' cooperation is greatly appreciated in conjunction with that process.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. COATS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 2:36 p.m., adjourned until Thursday, November 13, 1997, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, November 12, 1997*

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,
November 12, 1997.

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 Reverend Dr. Ronald F. Christian, Lutheran Social Services of Virginia, Fairfax, VA, offered the following prayer:

Almighty God, at this noon day hour when in this House Your servants come together as a body to accomplish Your work on behalf of us all, we acknowledge our utter dependence on Your many and various gifts and seek Your benediction on our humble efforts to do Your will.

As the psalmist reminds us all, that unless You add Your blessings to our work, we who desire to build the city labor in vain to build it.

Therefore, bless all those who stand guard and keep watch in our land, keeping us safe by night and day from the many perils that may befall us.

Bless the hearths and the homes of our land in such a way that little children may experience love and know security and all people live together in harmony.

And bless the worn and beaten paths to the centers of worship in our land that all people will give thanks to their Creator during this harvest season and that all people will seek Your guidance as we gather to walk the road toward peace and happiness for all. 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 New York [Mr. SOLOMON] come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON 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 without amendment bills of the House of the following titles:

H.R. 1090. An act to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error;

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices;

H.R. 2366. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes; and

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

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1604. An act to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18-E, 58, 364, and 18-R before the Indian Claims Commission;

H.R. 1658. An act to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws; and

H.R. 1847. An act to improve the criminal law relating to fraud against consumers.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 156. An act to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes;

S. 222. An act to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies;

S. 318. An act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes;

S. 493. An act to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

S. 537. An act to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 1115. An act to amend title 49, United States Code, to improve the on-call notification process, and for other purposes.

S. 1354. An act to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

S. 1505. An act to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

S. 1506. An act to amend the Professional Boxing Safety Act (P.L. 104-272).

S. 1511. An act to amend section 3165 of the National Defense Authorization Act for Fiscal Year 1998 to clarify the authority in the section.

S. 1517. An act to extend the Visa Waiver Pilot Program.

S. 1519. An act to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991; and

S. Con. Res. 67. Concurrent resolution expressing the sense of Congress that the museum entitled "The Women's Museum: An Institute for the Future", in Dallas, Texas, be designated as a millennium project for the United States.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 62) "An act to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage," with an amendment.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 714) "An act to amend title 38, United States Code, to revise, extend, and improve programs for veterans."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 923) "An act to amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 10, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Monday, November 10, 1997 at 10:50 a.m.:

That the Senate Passed without amendment H.R. 282.

That the Senate Passed without amendment H.R. 681.

That the Senate Passed without amendment H.R. 1057.

That the Senate Passed without amendment H.R. 1058.

That the Senate Passed without amendment H.R. 1479.

That the Senate Passed without amendment H.R. 1484.

That the Senate Passed without amendment H.R. 2129.

That the Senate Passed without amendment H.R. 2564.

That the Senate Passed without amendment H.R. 2631.

That the Senate Passed without amendment H.J. Res. 105.

With warm regards,

ROBIN H. CARLE,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4, rule I, the Speaker signed the following enrolled bills and joint resolution on Monday, November 10, 1997:

H.R. 282, to designate the U.S. Post Office Building located at 153 East 110th Street, New York, NY, as the "Oscar Garcia Rivera Post Office Building";

H.R. 681, to designate the U.S. Post Office Building located at 313 East Broadway in Glendale, CA, as the "Carlos J. Moorhead Post Office Building";

H.R. 1057, to designate the building in Indianapolis, IN, which houses the operations of the Indianapolis main post office as the "Andrew Jacobs, Jr. Post Office Building";

H.R. 1058, to designate the facility of the U.S. Postal Service under construction at 150 West Maggaret Drive in Terre Haute, IN, as the "John T. Myers Post Office Building";

H.R. 1377, to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings;

H.R. 1479, to designate the Federal building and U.S. courthouse located at 300 Northeast First Avenue in Miami, FL, as the "David W. Dyer Federal Building and U.S. Courthouse";

H.R. 1484, to redesignate the U.S. courthouse located at 100 Franklin Street in Dublin, GA, as the "J. Roy Rowland U.S. Courthouse";

H.R. 2129, to designate the U.S. Post Office located at 150 North 3rd Street in Steubenville, OH, as the "Douglas Applegate Post Office";

H.R. 2564, to designate the U.S. Post Office located at 450 North Centre Street in Pottsville, PA, as the "Peter J. McCloskey Postal Facility";

H.R. 2631, disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45; and

House Joint Resolution 105, making further continuing appropriations for the fiscal year 1998, and for other purposes.

A PROPER BALANCE OF EXPANDED TRADE AND PRESERVATION OF AMERICAN VALUES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, in the aftermath of President Clinton's decision to withdraw fast-track legislation, the time has come to forge a new policy that provides direct access for labor, environmental health, and safety concerns to be addressed in negotiating future trade agreements.

Those of us who opposed fast track did not do so because we oppose expanded trade but because the pending legislation gives Congress only one vote on trade legislation that may have profound impact on American workers and the quality of our lives.

If the President were to embrace trade procedures that require consideration of labor and environmental standards followed by adequate enforcement and then subject the negotiated agreement to congressional approval, I believe the President's trade agreements would pass in Congress with a large consensus.

I am sending a letter today to the President and will ask support from my colleagues who opposed fast track to discuss and explore alternatives which properly balance expanded trade and the preservation of American values.

DOES THE WHITE HOUSE TAKE THE AMERICAN PEOPLE FOR FOOLS?

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, as we race toward adjournment tomorrow night, and I think we will, let me just say that if I may use the words of the President this past weekend, I think we have another case of a no-brainer. If we have a political party that suddenly discovers after an election that over $3 million in campaign contributions has to be returned because it came from foreign sources and everyone is taking the fifth amendment because no one wants to talk about it, that is a no-brainer that something is very wrong, Mr. Speaker.

Mr. Speaker, does the White House really take the American people as fools? Thirty-nine House and Senate witnesses, beginning with John Huang and Mark Middleton, are taking the fifth; 11 witnesses, beginning with Charlie Trie and Pauline Kanchanalak, have left the country; 11 foreign witnesses, beginning with Stephen and James Riady, refuse even to be interviewed. Why would we not conclude that they have something to hide?

If 70 people have taken the fifth or fled the country about raising Chinese money, why would anyone not conclude that crimes have been committed by someone?

INTRODUCTION OF RESOLUTION CALLING FOR RESOLVING PEACEFULLY THROUGH DIPLOMATIC MEANS THE SITUATION IN IRAQ

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

Mr. LANTOS. Mr. Speaker, as divided as this House was on fast track, we are as united on the subject of dealing with Iraq. Today, I am introducing a resolution supported by Members across the political spectrum which has a message for Saddam Hussein in Bagdad.

At the conclusion of the gulf war, the United Nations decided to find and to destroy all of Iraq's capability to produce chemical, biological, and nuclear weapons and the missiles capable of delivering them.

For 6½ years, Iraq has pursued a policy of deception, lies, concealment, harassment, and intimidation in a deliberate effort to hamper the work of the inspectors designed to eliminate Iraq's ability to produce weapons of mass destruction.

Recently Iraq has escalated its noncompliance by refusing to permit United States citizens of the inspection team from carrying out their responsibility.

My resolution calls for resolving peacefully, through diplomatic means, this matter with full Iraqi compliance. Short of that, my resolution calls for military action undertaken under the broadest feasible multinational basis, preferably under United Nations' auspices, and, if necessary, my resolution calls for the United States to take military action to assure the destruction of Iraq's capability to produce and deliver weapons of mass destruction.

EASIER TO FIND ELVIS THAN A GOOD FACTORY JOB HERE IN AMERICA

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

Mr. TRAFICANT. Mr. Speaker, Kodak is laying off 10,000 workers. Now

if that is not enough to overexpose your most recent negative, Fruit of the Loom is cutting 3,000 jobs and moving to Mexico. Unbelievable. It is getting easier to find Charlie Trie and Elvis than it is to find a good factory job here in America.

Beam me up. I think it is time for Congress to ask themselves a very simple little commonsense question: If our trade program is so great, why does Japan not do it? Think about that.

I yield back all the balance of jobs and say one last thing here. From snapshots to long johns, American workers just keep getting their assets kicked.

IT IS TIME FOR A NEW TRADE POLICY THAT BRINGS PROSPERITY TO OUR COUNTRY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, the defeat of fast track trade authority earlier this week could perhaps mark a turning point for new trade policy in this country, a trade policy finally in the favor of the vast majority of Americans as opposed to a few multinational corporations, and foreign interests have been doing so well with our failed trade policy. As my colleagues know, our trade policy has not changed one bit since World War II, not one bit.

Despite 50 years of dramatic changes in the world economy, we have gone from being the world's greatest creditor nation to the world's greatest debtor nation in international trade. We have seen our standard of living erode, we have lost our industrial base, and the defenders of the so-called free trade policy say, well, it is working exactly as we intended. Well, what do we intend; $160 billion trade deficit this year? Is that what we intend? Is that a success? No.

Fast track was the last gasp for the apologists for a failed and archaic trade policy. It is time for a new trade policy that brings prosperity to this country, projects our values in terms of the environment, projects our values in terms of worker safety and standard of living.

Once again, America should stand tall and lead the world to a prosperity for all of us, not just a select few.

PASS THE TOUGH PRUDENT BUDGET OF THE D.C. APPROPRIATION BILL

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I am asking for a bipartisan vote for the D.C. appropriation.

There are issues in this bill I would change, and my colleagues may feel the same. But Congress is not a consensus organization. Moreover, this is not Congress' money. There is only a token amount of Federal money in this appropriation, and that is mostly from the D.C. rescue package, not new money.

Imagine how it would feel if my colleagues had to come before this body to get permission to spend money raised by their taxpayers at home.

The issues that divided the House into two camps, such as vouchers, are gone. So are some items that would cripple the control board and management reform.

I agree with Mr. TAYLOR and Mr. DAVIS and some of the criticisms that they have of the control board in the District. I am most willing to work with them.

This is a tough, prudent budget of the kind the Congress has demanded. The District has accepted it. Let us pass it.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I would call up House Resolution 314 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 314

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee before November 15, 1997, providing for consideration or disposition of any of the following:

(1) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(2) A bill or joint resolution that includes provisions making continuing appropriations for fiscal year 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(3) The bill (H.R. 2621) to extend trade authorities procedures with respect to reciprocal trade agreements, and for other purposes.

(4) The bill (S. 1454) to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

SEC. 2. It shall be in order at any time before November 15, 1997, for the Speaker to entertain motions to suspend the rules, provided that the object of any such motion is announced from the floor at least one hour before the motion is offered. In scheduling the consideration of legislation under this authority, the Speaker or his designee shall consult with the minority leader or his designee.

□ 1215

The SPEAKER pro tempore (Mr. PETRI). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield half our time to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 314 waives the provisions of clause 4(b) of rule XI, requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules, against resolutions reported from the Committee on Rules before November 15, 1997, providing for consideration of a bill or joint resolution making general appropriations for the fiscal year ending September 30, 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

In addition, the rule applies the waiver to a special rule reported before November 15, 1997, providing for consideration of a bill or a joint resolution making continuing appropriations for the fiscal year ending September 30, 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

Second, the rule also applies this waiver to a special rule providing for consideration of the bill, H.R. 2621, to extend trade authority procedures with respect to reciprocal trade agreements.

Third, the rule also applies the waiver of clause 4(b) of rule XI to S. 1454, legislation ensuring a 6-month extension of ISTEA.

Finally, the rule further provides that the Speaker may entertain motions to suspend the rules at any time before November 15, 1997, provided that the object of the motion is announced from the floor at least 1 hour before the motion is offered.

Of course, this resolution provides that the Speaker shall consult with the minority leader in scheduling legislation under this authority to suspend the rules.

Mr. Speaker, this is a straightforward resolution, extending through Friday the provisions of House Resolution 305 that passed last week. The first part of this rule, and we were speaking with complexities before, but this will lay it out in layman's language, the first part of this rule will permit same-day consideration of rules for general appropriation bills, for appropriation conference reports, and we

have four pending, as you know, and continuing appropriations resolutions through this Friday.

The second part of this resolution provides that the Speaker may entertain motions of the House to suspend the rules through Friday. What that means is we can take up suspension bills between now and Friday. It simply provides for additional suspension-of-the-rules days.

These provisions of House Resolution 314 are customary toward the end of a session in order to permit the House to expedite its business and adjourn. That is what we are all looking forward to. In fact, the resolution does not depart from the standing rules of the House for consideration of legislation at the end of a session.

Nonetheless, the fact is we are uncertain as to the specific adjournment date, and we in the Committee on Rules felt this rule would simplify the orderly consideration of the necessary funding bills for the coming fiscal year.

Mr. Speaker, we all agree that the rules for expedited procedures on appropriation measures and on suspension measures should see limited use at the end of any session. This resolution will ensure that the appropriations conference reports can be passed in a timely manner, and we are not held over for another week or two in this session. Its passage will help ensure that.

Mr. Speaker, this resolution was favorably reported by the Committee on Rules on November 8. This resolution was modified by a unanimous consent agreement with the minority last Sunday night, at which time we were here until about 2 o'clock in the morning. The unanimous consent agreement changed the dates covered in House Resolution 314 to Friday of this week, and added ISTEA to the measure covered under the waiver of clause 4(b) of rule XI.

Mr. Speaker, the first year of this Congress has resulted in the first balanced budget in 30 years. I have been here for 20 years, and I have never seen one. It provides for less government bureaucracy and more tax cuts for the American people, putting money back into their pockets, so they can either spend it or invest it, but they can do it at their will instead of the will of this Congress. I would urge my colleagues to support this.

Now, Mr. Speaker, let me just run down some of those accomplishments that I just talked about. First, we had the first major tax cut in 16 years. We are now cutting, rather than raising, taxes. This tax cut provided for $250 billion in net tax relief over the next 10 years, $91 billion in 5 years. Over 72 percent of that tax relief went to middle-class-income families, those with incomes between $20,000 and $70,000.

We also provided for $41 million for children, families who were given a $500 tax credit to help working families offset the cost of raising and caring for children. Families with education expenses were helped by the provisions of HOPE scholarships and penalty-free withdrawals from IRA's for college and other educational expenses.

Family farms and small businesses were provided death tax relief. In other words, the inheritance tax exemption now for farmers now is something where farmers will not have to sell their property, the heirs will not have to sell it, in order to pay off the inheritance taxes.

First-time homebuyers were aided by the creation of American Dream IRA's, from which they can now make tax-free withdrawals for buying a home and fulfilling the American dream.

Mr. Speaker, you have to remember that today, anyone who has a mortgage on their home, if they are paying, let us say, $9,000 in interest, one-third of that interest is caused by the irresponsibility of this Federal Congress and this Government over the years in running deficits, so that if we are able to balance the budget, that means that the interest that young people have to pay, or anybody has to pay, on their mortgage will be reduced by one-third once we can get this under control. If we were able to save them $3,000 of after-tax income, that is money they could well spend on educating their children.

This Congress has provided broad-based permanent capital gains tax relief to spur investment, to create jobs, and increase economic growth. The top rate was reduced from 28 percent down to 20 percent, and the bottom rate from 15 percent down to 10 percent.

Mr. Speaker, that means that somebody who might have worked for Sears Roebuck, maybe a couple who worked for Sears Roebuck for all of their lives, they are not noted for paying high salaries, but they have great stock option plans, and many of their employees, many of whom I know, have saved that stock all these years. Now when they get ready to retire and perhaps move to Florida, or whatever they want to do, they can sell that stock, and the Government will not take all the money. The maximum amount of money they would take would be 20 percent in high income, or maybe just 10 percent, on all of the capital gains that they have seen on that stock over the last 30 or 40 years. That is a real accomplishment by this Congress.

This Congress has produced the first balanced budget in 30 years. We are now cutting rather than increasing spending. Instead of having a projected deficit of $300 billion in the year 2000, we are actually now going to have a surplus. Can you believe that? What a turnaround that will be and what that will mean to the average American in this country, as I have just outlined.

The budget was last balanced in 1969, the year man first walked on the Moon. The work of this Congress will result in a balanced budget in the year 2002 and budget surpluses thereafter.

We have saved Medicare from bankruptcy for 10 years down the road, providing more choice and affordability, affordable quality health care which our seniors deserve.

Federal spending has been reduced to 18.9 percent of the gross domestic product by the year 2002, the first time since 1974 that spending has fallen below 20 percent of the GDP. We will have achieved $182 billion in entitlement savings over the next 5 years and $700 billion over the next 10 years.

The growth of total Federal spending has been slowed to 3 percent per year. Mr. Speaker, that is really getting a handle on things. Even the growth of annually-appropriated spending has been slowed to less than one-half of 1 percent a year over the next 5 years as compared to 6 percent a year over the past 10 years.

Let me repeat that. The annual growth of appropriated spending has been slowed to less than one-half of 1 percent a year over the next 5 years, compared to 6 percent a year over the past 10 years. That is fiscal responsibility.

The 105th Congress accomplishments have not all been financial. The House has passed legislation moving children from foster care to permanent loving homes. We have passed comprehensive housing reform to help low-income families, the first major reform effort in decades in this Congress. Just in the last week we have passed the first IRS reform and restructuring package in four decades. This effort has followed on the heels of major education reform measures, such as charter school expansion and educational vouchers to give more hope to children eager to learn and to give choices to parents who want the best education for their children.

Congress has overwhelmingly passed a ban on partial-birth abortions, a gruesome procedure that should be outlawed in any civilized society.

In the aftermath of our Veterans Day celebrations, we should also note that earlier this year the House overwhelmingly passed an amendment to the Constitution, my constitutional amendment which I offered, banning the desecration of the American flag. It passed this House with over 300 votes, far more than the 290 needed to achieve two-thirds. It now rests over in the Senate where we are still, if you can believe, two votes short of passing this very, very important constitutional amendment.

Mr. Speaker, all of these accomplishments represent a real move to shift power and money and influence from Washington to people and families in States and communities. The record proves that Congress and the administration can achieve common goals

without compromising our respective fundamental principles, and showing the American people that we can work together to solve their problems.

Adoption of this rule will speed our ability to take this record to the people who sent us here, our constituents.

Mr. Speaker, in a few minutes when this debate comes to a close, I would just hope it could pass on a voice vote. I would say this to the Republican and Democrat leadership, that if this matter does not pass providing for the two-thirds availability of bills to come to this floor, we are in about an hour going to have to recess until 5 o'clock waiting for Members to come back. No votes were allowed until after 5 o'clock, and that means we would not be able to take up suspensions. I would hope that the Republican and Democratic leadership could get together and allow this House to continue working from now until 5 o'clock. There are precious few hours left before we adjourn, hopefully sometime around 6 o'clock Thursday evening.

First major tax cut in 16 years. We are now cutting rather than raising taxes.

This tax cut provided $250 billion in net tax relief over the next 10 years—$91 billion in 5 years.

Over 72 percent of the tax relief went to middle-income families—income of $20,000 to $70,000.

Forty one million children were given a $500 tax credit to help working families offset the costs of raising and caring for children.

Families with education expenses were helped by the provision of HOPE scholarships and penalty-free withdrawals from IRA's for college and other educational expenses.

Family farms and small businesses were provided death tax relief.

First time homebuyers were aided by the creation of American Dream IRA's from which they can now make tax free withdrawal for buying a home and fulfilling the American dream.

This Congress has provided broad-based permanent capital gains tax relief to spur investment, create jobs, and increase economic growth. The top rate was reduced from 28 percent to 20 percent and the bottom rate from 15 percent to 10 percent.

This Congress has produced the first balanced budget in 30 years. We are now cutting rather than increasing spending.

The budget was last balanced in 1969, the year man first walked on the Moon.

The work of this Congress will result in a balanced budget in 2002 and budget surpluses thereafter if not even sooner.

We have saved Medicare from bankruptcy for 10 years, providing more choice and the affordable quality health care that our seniors deserve.

Federal spending has been reduced to 18.9 percent of the Gross Domestic Product by 2002—the first time since 1974 that spending has fallen below 20 percent of the GDP.

We will have achieved $182 billion in entitlement savings over the next 5 years and $700 billion over the next 10 years.

The growth of total Federal spending has been slowed to 3 percent a year.

Even the growth of annually appropriated spending has been slowed to less than one-half of 1 percent a year over the next 5 years as compared to 6 percent a year over the past 10 years.

The 105th Congress' accomplishments have not all been financial.

The House has passed legislation moving children from foster care to permanent loving homes.

We have passed comprehensive housing reforms to help low-income families—the first major reform effort in decades.

Just in the last week we have passed the first IRS reform and restructuring package in four decades.

This effort has followed on the heels of major education reform measures such as charter school expansion and educational vouchers to give hope to children eager to learn and give choice to parents who want the best for their kids.

Congress has passed comprehensive welfare reform—moving people from welfare to work and from dependency to self-sufficiency.

Congress has overwhelmingly passed a ban on partial birth abortions, a gruesome procedure that should be outlawed in any civil society.

In the aftermath of our Veterans Day celebrations, we should also note that earlier this year the House also overwhelmingly passed my amendment to the Constitution banning the desecration of the American flag.

This astounding account is in addition to all that this Congress did under the Contract With America in the 104th Congress.

Mr. Speaker, all of those accomplishments represent a real move to shift power, money, and influence from Washington to people and families in States and communities.

The record proves that Congress and the administration can achieve common goals without compromising our respective fundamental principles and showing the American people that we can work together to solve problems.

Adoption of this rule will speed our ability to take this record to the people who sent us here—our constituents.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the customary 30 minutes.

Mr. Speaker, as Thomas Jefferson notes in the very first section of Jefferson's Manual, the minority in any legislative body looks to the rules of that body as its best and often only defense against the potential tyranny of the majority.

Therefore, we look with skepticism on any special rule that would seek to bypass the rules protection of the rights of all Members. Under rule XI, clause 4(b), a two-thirds vote is required to consider a rule on the same day that the Committee on Rules reports it. This provision is designed to afford all Members a day to examine the language of the rule on the underlying legislation before voting on them.

Martial law procedures allow a rule to be considered on the same day as it is reported with a majority rather than a two-thirds vote.

□ 1230

While protections of Members' rights are important and should not be lightly weighed, it is unfortunately common at the end of a session to suspend temporarily in limited cases some of these protections.

This rule, as amended by unanimous consent Monday morning, would waive the 1-day layover requirement for a rule providing for consideration of specified bills if reported before November 15. This would expand the martial law provisions currently in effect by extending them through Friday and adding the temporary ISTEA bill to the appropriations bills and continuing resolutions that are currently eligible for this expedited procedure. The rule would also allow the consideration of bills under the suspension of the rules through November 15 with at least 1 hour notice to Members and upon consultation with the minority leader.

Today we are 43 days into the 1998 fiscal year, and we have 3 more appropriations bills yet to pass. We need to expeditiously complete the work we should have finished before October 1. Martial law provisions for overdue appropriations bills have become a regrettable, but a traditional feature of the last day of the session.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PETRI). The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this resolution are postponed until later today.

PROVIDING FOR CONSIDERATION OF S. 738, AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 319 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 319

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in

the House the bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes. The bill shall be considered as read for amendment. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to commit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, again I yield one-half hour to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. Again, during consideration of the resolution, all time yielded is for debate purposes only.

Mr. Speaker, House Resolution 319 provides for the consideration of S. 738, Amtrak reform and authorization, which shall be considered as read. The resolution provides that the amendment now printed in the Committee on Rules report shall be considered as adopted, and that all points of order against the bill as amended are waived.

House Resolution 319 also provides for 1 hour of debate, equally divided and controlled between the chairman and ranking minority member of the Committee on Transportation and Infrastructure, and finally, the resolution provides 1 motion to commit with or without instructions.

Mr. Speaker, this rule allows the House to consider the Senate bill reforming Amtrak and authorizing appropriations for Amtrak, with the inclusion of an additional amendment in the nature of a substitute that had been suggested by the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER].

The addition to the Senate bill reflects essentially the same reforms that were endorsed by the House last year by a rather overwhelming vote of 406 to just 4 negative votes. This amendment that we have self-enacted in the rule has bipartisan support and is crucial to achieving real reform of Amtrak.

Under this bill, the House would accept the labor and liability provisions worked out in the Senate bill. Also, the provisions in the amendment crafted by the gentleman from Pennsylvania [Mr. SHUSTER], which have no Senate counterpart, include, and this is very important, include: the restructuring of Amtrak's board of directors toward a more business-oriented, private sector board; reforming Amtrak's capital structure; and increasing the flexibility of Amtrak's route structure.

We all know that these real reforms must be made to keep Amtrak viable; indeed, to keep it out of bankruptcy. Mr. Speaker, it is vitally important that Amtrak be maintained. Amtrak is important to our entire Nation, but especially important to the Northeast which the gentlewoman from Rochester, NY [Ms. SLAUGHTER] represents and the Hudson Valley area that I represent. Thousands of my constituents rely on Amtrak service to get to work every day and to visit friends and family on weekends and holidays.

Mr. Speaker, we need to move this bill through Congress as quickly as we possibly can. Amtrak's ability to provide nationwide service at the present level is seriously threatened. It cannot continue unless we pass this legislation.

For years, there has been underinvestment in Amtrak's equipment and in their facilities, which has led to declining service quality and reduced reliability. But passage of Amtrak reform legislation will give Amtrak the much-needed boost of capital funds that will allow it to upgrade its equipment and gain independence from the Federal Government, and those are 2 very, very key issues: gain independence from the Federal Government and to upgrade its equipment, which is in dire need right now for the safety of its passengers.

Mr. Speaker, I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of this very important legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the gentleman from New York [Mr. SOLOMON], for yielding me the customary half-hour.

Mr. Speaker, I rise in opposition to this rule. Just days ago, the Senate passed their version of the Amtrak bill without a single dissenting vote. The Senate bill includes consensus language on both the labor and liability issues, the issues that caused the most controversy in the House version of that measure. But, instead of taking the Senate bill straight to the House floor in its present form, the Committee on Rules self-executes the Shuster substitute that threatens any chance of passing this critical bill before the Congress adjourns.

The self-executing language includes a provision dealing with the board of directors that, if included, will not pass the Senate. By self-executing this provision instead of making it a free-standing substitute amendment, the House will be precluded from voting up or down on the Senate bill.

Mr. Speaker, Amtrak is on the verge of bankruptcy. It desperately needs the funds that were provided in the reconciliation bill passed by the Congress earlier this year. Those funds, as my colleagues know, are contingent on the passage of an Amtrak reform package.

The House bill was abruptly pulled after the defeat of the Quinn amendment. Since that time, the Senate has worked out most of the concerns of the legislation, and if we do not act now, there is little chance that Amtrak reform legislation will be enacted this year.

If this rule passes, we will move to recommit the bill with instructions. The motion to recommit will make in order the Senate-passed bill, which will give the House an opportunity to vote up or down on the Senate version of the bill, and I would like to say again that that bill passed the Senate without a single dissenting vote.

Mr. Speaker, the Senate bill is the bill that the President says that he will sign. If we truly want to save Amtrak, we must give Members the opportunity to vote on this bill as it passed the Senate. I urge a "no" vote on the rule and a "yes" vote on the motion to recommit.

Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentlewoman for yielding, and I also want to thank the gentleman from New York [Mr. SOLOMON] for getting this rule to the floor.

I am going to talk as much about the merits of the bill and the predicament we find ourselves in as about the rule, because that is what is important. The issue is whether or not we want to save Amtrak, and what I was impressed by, by the gentleman from New York [Mr. SOLOMON] in the Committee on Rules meeting, it seems like forever ago but it was just Thursday night, I believe, late Thursday night, but what I was impressed by was his recognition, and I think the recognition of the Committee on Rules, that something has to be done.

I say to my colleagues, the situation is this: If we want to save Amtrak, we have to pass a bill that can immediately be approved by the Senate, or better yet, not go back to the Senate.

Amtrak is in this situation. If we leave this House today or tomorrow or Friday and there has not been Amtrak reform passed, when we come back and then when we are able finally to get around to Amtrak, which will probably be March or April, there will not be an Amtrak as we know it, and indeed there may not be an Amtrak.

Why do I make that kind of dire prediction? The one thing that all of us have agreed upon through the many debates that have been held on this House floor over the past several years, and particularly in the past 2 months, is that Amtrak has great financial

problems. What is necessary for Amtrak is to be able to access the $2.3 billion worth of capital that this Congress made available to it in the budget package just a couple of months ago, but that capital cannot be accessed until reform legislation passes.

Well, my colleagues will say, fine, why not go ahead and let the House pass whatever kind of reform legislation? The reality of the situation is that the Senate has passed that reform legislation. The Senate did the heavy lifting that the House has not been able to come to closure on.

If we remember, the two main issues, labor and liability reform, the Senate has done that. We fought ourselves to a standstill here on the House floor just a couple of weeks ago over those two issues. The bill was pulled, if we recall, because of the fact that there was not agreement on it. The Senate has taken those issues on and has reached compromises that everyone has signed off on, on the labor and the liability provisions.

Now we get down to the fact that we are going to get out of here in a couple of days, and now comes forward some measures dealing with predominantly the board of directors. And whether or not the House passes its provisions dealing with the board of directors and sends it over to the Senate, the Senate has made quite clear it will not accept those provisions. That means a lengthy, at best, conference. The administration, incidentally, has also made clear it will not accept those provisions.

The reality is, send those provisions over to the Senate and there will not be an Amtrak bill. No Amtrak bill, no access to capital. No Amtrak bill, no ability to go to the banks in the next month to extend its line of credit.

That is the other thing I forgot to mention. We talked about accessing capital that the Congress has already approved. Amtrak in December needs to go back to the major banks to extend its line of credit. If this reform legislation does not pass, the chances are likely it will not.

Now, some have urged passing some kind of resolution, or we all put language, happy talk, in the CONGRESSIONAL RECORD about the fact that Congress loves Amtrak and as soon as it gets back in January or February it will act on this. Do we want to take that to the bank? I do not think so. Amtrak does not want to take it either.

So the reality is, Mr. Speaker, we need to make sure that we pass the legislation that has already been adopted by the Senate. To those who say well, the Senate language, did they cave in to labor or did they cave in to trial lawyers or did they cave in to somebody, this is the Lott-Hutchison bill, Senator TRENT LOTT of Mississippi and Senator KAY BAILEY HUTCHISON of Texas and others, not exactly the arbiters of organized labor or of trial lawyers.

So this is truly a compromise that has been reached at all levels. It is a compromise that people can feel comfortable about. I pledge to my chairman, the gentleman from Pennsylvania [Mr. SHUSTER], as the ranking member of the Subcommittee on Railroads, that I would be happy to work and sign off on whatever hearings he wants to hold when we come back to look at subsequent legislation that does deal with the board of directors.

But I plead with my colleagues, particularly those of us who believe in Amtrak, that we do not leave this Congress this year without enacting the Amtrak reform legislation.

Now, the only way to do that is to effectively pass the Senate bill. We can load this thing up all we want, and it is going right down across the Rotunda into the other body and it is going to sit there. So that is why we are in this predicament.

Mr. Speaker, I am one who often stands on the floor and says, well, we ought not to just take a Senate bill, we ought to of course have our own voice. The fact is, though, in the last Congress, the 104th Congress that ended last year, plus this Congress, we have had this bill on the floor several times. It has been pulled, I believe, four times this year alone.

□ 1245

So we in the House have not been able to reach the compromises necessary. The compromises reached in the Senate language do the heavy lifting that needs to be done today, in this session of Congress.

In terms of the board of directors, that is a much knottier question. That gets to who appoints the board and what is their role. I would urge that that be held off for subsequent legislation, which I am pledged to work on with the majority in the next Congress.

But by passing the reform legislation, the Senate bill today, then we can immediately send this bill to the President. It does not even go back for a conference. We can send this bill to the President, and when the Amtrak reform legislation has passed, they can access the capital for capital investment, particularly modernizing the Northeast corridor, making sure the high-speed rail is installed. That is the one section that turns a profit. They can get to the banks right away. They can get their line of credit.

But let us not kid ourselves. Vote for any other thing but the Senate language which will be in the motion to recommit, and we will vote to not save Amtrak. I wish I could say that there was some other way, but there is not.

The position we are going to find ourselves in is that there will be a period of time for debate when this rule is approved, presuming it is approved. There will be a period of time for debate. The first motion will be the Oberstar motion to recommit.

I urge my colleagues to recognize that that motion is the only way we can save Amtrak, because what that motion does is to strip out the House language, add it onto the Senate bill, and simply adopts the Senate-passed legislation. That is the key vote, the Oberstar motion to recommit.

I want to say once again, particularly to my colleagues on the other side of the aisle, this is not done in any way to confront the majority. This recommittal motion is what I would consider the necessary measure to save Amtrak, particularly fiscally.

But my pledge is, then, on the other issues that have been raised in the House bill, to immediately begin working with the majority on whatever hearings they want to have, whatever markups; we will work with them, whatever negotiations they want, because Amtrak will not be finished at this point.

Those on the other side and those on this side who say Amtrak needs to be revisited, they are correct. But at least let us, for the first time in many years, get Amtrak in a situation where it can truly go to the banks in December with reform, newly passed reform legislation.

Let us at least let Amtrak get to the banks in December with newly passed reform legislation that guarantees it the access to capital, that permits it to get the line of credit. That is the most important thing that we can do for Amtrak, and then begin making the investments.

Let me just say something about the board of directors. I am happy to work on changing the makeup of the board of directors next year. The worst thing I think we can do today, at a time when Amtrak has such fiscal instability, the worst thing we could do is try to enact legislation that radically alters a board of directors that has to go to negotiate for a line of credit in the next few weeks. Let that process take place, if it must take place, let it take place next year.

Chairman SOLOMON made a good observation in the Committee on Rules. This Congress goes out in the next couple of days. It will not come back effectively in January, except for the State of the Union Message. There will be some working time during February. The earliest we are looking at being able to bring Amtrak legislation back up if we do not pass it today is March. My guess is that it will probably be after that.

So therefore, once again, I urge my colleagues, I plead with my colleagues, to adopt the Oberstar recommittal motion, because that will adopt the Senate bill and permit this legislation immediately to go to the President.

In reality, there is no other way to save Amtrak. We are not going to be here much longer. The only way to save Amtrak is to approve the Senate bill and vote for the Oberstar motion to recommit. I urge my colleagues to take this very, very necessary and vital step.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if this rule is adopted, and I would like to restate what the gentleman said, if this rule is adopted, the first vote during consideration of the bill will be on the Oberstar motion to adopt the Senate bill, and that truly is the vote that will save Amtrak.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. I yield myself such time as I may consume, Mr. Speaker.

Mr. Speaker, I would say to my friend, the gentlewoman from New York [Ms. SLAUGHTER], that the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee, is on his way here. If she did need additional time, we would let her take some of her time back, because now I will have two speakers. So I would just inform her of that.

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from Delaware [Mr. CASTLE], the former Governor.

Mr. CASTLE. Mr. Speaker, let me thank the distinguished chairman of the Committee on Rules. I have run over here, so I am a little out of breath, but I am delighted to be able to be here. I did hear some of the debate. I know the gentleman from Pennsylvania [Mr. SHUSTER] is also on his way.

I think it is very important that we focus on the problems of Amtrak. I am not going to get into the debate of the nitty-gritty of what has happened in the Senate, where it is now versus where the House might go under the Committee on Transportation and Infrastructure.

But before we leave in the next 24 or 48 hours, I hope that each and every one of us will understand that the future of rail passenger transportation in the United States of America is at hand. If we are not able to resolve the problems which exist now, we run the distinct risk of potential failure of Amtrak and the end of rail service as we know it now, or at least a worsening of the problem. I do not know, frankly, if it would go into bankruptcy. We hear these things.

I have looked at the Senate version of this. I have spent the last couple of days reading this carefully. I have made some discoveries which I think should enlighten us in the House. One is that they have an Amtrak reform council, which I believe is acceptable to virtually everybody involved in this, which would give large control to the House and to the Senate as sort of a super board overlooking the board of directors which would help decide the direction of Amtrak. And, most importantly, we would have access to all the information which is needed. It would provide us the information we need to make the very, very important decisions in the financing and the future of Amtrak. That is crucial. We are about to yield $2.3 billion in capital improvements as well as operating expenses. We need to have that information. The Amtrak reform council does that. I think it is important that we focus on that.

In addition, I think some of the suggestions which are being made by the gentleman from Pennsylvania [Mr. SHUSTER] are very sound suggestions and ones we should also look at. I hope we would be able to sit down with the Senate and perhaps resolve some of the differences that exist there.

I think, for example, giving up some of the voting rights of the stock owned by the Government is something which may make some sense with respect to how we run Amtrak. When we look at the actual board and look at the difference between the Senate and House proposals, it is not that overwhelming.

My view is this: We should have the best people possible on that board who are not politically motivated or answering to anybody who can run Amtrak. If I had my druthers, frankly, I would go out and pick the seven best managers of businesses I could find and put them on that board and let them run it. But I would hope we could come up with something that would allow us to have the best board possible.

The bottom line is, I hope we do not get in a position of passing a bill or recommitting a bill over the objections of the chairman of the Committee on Transportation and Infrastructure without resolution of this with the Senate. I would hope in the next 24 hours we could sit down with the Senate and the House together and try to work out some compromise on which everybody can agree, so we can thwart and avoid the problem of an impasse here in Congress in which we do not go forward with Amtrak.

We could wait perhaps, and perhaps there would not be economic failure, but if that happens, when the waiting game begins in Congress, it tends to go on and on. This is the moment, I think, for us to all act.

I would hope that all parties involved in this could pay close attention to the details involved, we could resolve it, we could go forward and make Amtrak a better passenger rail carrier, and we could indeed be able to, at some point a decade or two later, look at this as a dark period in the life of passenger rail traffic but understand that we have now fixed it and we now have made America's passenger rail service the best in the world, not just in this country.

We are not going to do it unless we sit down and talk to one another. I think we should continue to move forward, and I am glad the rule is moving forward, but I think we should work towards a final resolution of this.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I include for the RECORD a letter dated November 12, 1997, from Rodney E. Slater, Secretary of Transportation.

The letter referred to is as follows:

DEPARTMENT OF TRANSPORTATION,
THE SECRETARY OF TRANSPORTATION,
Washington, DC, November 12, 1997.

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

DEAR MR. SPEAKER: The House of Representatives is scheduled to consider a substitute amendment to S. 738, the "Amtrak Reform and Accountability Act of 1997." I am writing to urge strongly that the House of Representatives approve the motion to be offered by Representative Oberstar to recommit the bill, thus enabling passage of the Senate Amtrak reform legislation.

Legislation has passed the Senate to reform Amtrak, thus enabling it to serve better as a national passenger rail system. That bill, S. 738, would afford Amtrak the ability to undertake significant reforms with its workforce and position Amtrak to address better future liability issues. The Senate bill represents many weeks of negotiations and is a compromise that passed unanimously. If adopted without change, it will free up $2.3 billion in capital funding that Amtrak desperately needs to improve its equipment and infrastructure throughout the nation.

Instead, an amendment has been included in the Rule accompanying the Amtrak bill dealing with the Board of Directors that could have grave implications for the future of Amtrak. The proposed amendment is intended to substantially change the manner in which the Amtrak Board is appointed. This approach is unnecessary and will present serious problems as Amtrak approaches its most critical and uncertain time. Perhaps more importantly, House action making controversial changes to the Senate-passed bill is likely to delay final passage, thus delaying the release of the $2.3 billion and casting doubts on Amtrak's financial future.

Concerns have been raised in recent days about the constitutionality of the Amtrak Board. Let me assure you that if the House adopts the Senate-passed version of S. 738 the President will sign this bill. This Administration intends to implement the Senate-passed Amtrak bill in a manner that is consistent with the Constitution.

Amtrak needs reform to become the national passenger rail system that this nation needs and deserves. At stake is the ability of Congress to pass legislation that will help ensure Amtrak's long-term financial stability. I urge the House to oppose changes to

S. 738 and that it act to send this bill, without change, to the President for his signature.

Sincerely,

RODNEY E. SLATER.

Mr. WISE. Mr. Speaker, I have just been handed a letter from Secretary Slater, Secretary of the U.S. Department of Transportation, writing about the legislative situation today and strongly urging the House of Representatives to approve the recommittal motion to be offered by our ranking member, the gentleman from Minnesota [Mr. OBERSTAR].

He notes that the Senate bill that will be in the recommittal motion and has passed the Senate unanimously, the Lott-Hutchison bill, represents many weeks of negotiations and is a compromise that passed unanimously. If adopted without change, it will free up to $2.2 billion in capital funding, not operation and maintenance but capital funding, that Amtrak desperately needs to improve its equipment and infrastructure throughout the Nation.

He also says that if the House adopts the Senate-passed version of Senate bill 738, the President will sign this bill. The administration intends to implement the Senate-passed Amtrak bill in a manner that is consistent with the Constitution. He is adding his voice and that of the administration to the urging that the House adopt the Senate language in the Oberstar recommittal motion.

Mr. Speaker, I think it should be noted that the Senate-passed language, as I have noted previously, contains significant labor and liability reforms. The contracting-out provisions that have proved so nettlesome in this body, the labor protection provisions, particularly dealing with the up to the possible 6 years of labor protection, although in reality I believe it averaged out about to $1,000 per severed employee in the past 2 years, those provisions have all been compromised and have become the subject of collective bargaining.

On the liability provisions, for the first time there is a global cap of $200 million on liability related to passengers, Amtrak passengers. They were able also to reach agreement on the troublesome area of both punitive damages and indemnification.

They did what Congress here with the House has constantly ground to a halt on, and that is not because people have not tried. Chairman Shuster has been very active in trying, and our side, as well. But they were able to accomplish this and then passed it unanimously. We ought to take advantage of their labors and their accomplishments.

We also ought to note that it is not easy over here. This bill has been pulled four times alone from this floor because we were not able to reach agreement on these very, very difficult issues. Now we have a bill before us on which all the parties have signed off, labor, management, on the liability issues, a wide range of groups, they have signed off on it. We can pass that bill today and we can have it on its way to the President, and Amtrak then has passed the reform legislation that is so vital to it.

Does it close the book on Amtrak legislation? No. The gentleman from Delaware [Mr. CASTLE], who has been very articulate and active in this, stated it well, the need for continuing negotiations and continuing discussions. Amtrak requires that. Our side stands ready to work with the chairman and with others to make that happen.

Mr. Speaker, I would just urge the Members, once again, to support the Oberstar recommittal motion. It is the only way we can get this bill to the President quickly this week, knowing that if we vote down this recommittal motion and we send the bill to the Senate, when we come back and are able to take up the Amtrak legislation, we will not recognize Amtrak from what it is today. It will be significantly impaired financially, and we will have lost an incredible opportunity that we have been striving to get to for many years.

□ 1300

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], one of the Members that has been a Member of this body longer than we have, and there are not many of them anymore. He is chairman of the Committee on Transportation and Infrastructure that I used to serve on, and he is one of the most respected Members of this body.

Mr. SHUSTER. Mr. Speaker, I thank my good friend the gentleman from New York [Mr. SOLOMON] for yielding me the time.

Mr. Speaker, I am sure it is well-known that from the very beginning my objective has been to save Amtrak, although there are some in this body and the other body who would just as soon see it go into bankruptcy. And to save it, we have said from the beginning that we need to change the labor protection, we need to reform it, we need to reform liability. And there are other things as well which we believe need to be done.

But the labor provisions and the liability provisions are very, very crucial. And, indeed, the Senate has acted. There are provisions in those areas of labor reform and liability reform and contracting out, which is a subset of labor, that are not as strong as many would like them to be, but, nevertheless, they are acceptable. So the biggest stumbling blocks that have been before us are, indeed, now acceptable.

There is, however, at least one additional factor which is of extreme importance. And in a few moments, I will add an entirely new dimension to the extraordinary importance of our dealing with a restructuring of the board. Many of us believe, and of course we respect the other body, but the last time we checked the Constitution, this was a bicameral legislature. This House is not a potted plant. We have an obligation to do what we believe is right as well, and then work together with the other body in attempting to craft an acceptable compromise.

The one area in which we have great difficulty is in the area of the structure of the board. We believe that for the proposed reforms to be meaningful, to actually be put in place, that we must have a board of directors which is a more independent, more business-oriented board of directors. And so, to that end, that is exactly what we have proposed.

It is, interestingly, ironically essentially what my good friend the gentleman from Minnesota [Mr. OBERSTAR], the ranking Democrat of the committee, proposed in the legislation as it was working its way through the committee. So this is not something that is dropped on us out of the sky. It is something which in the past has had bipartisan support. Nevertheless, we are told that there is opposition to it now.

I point out that our proposal gives the President the ability to appoint the seven members in some consultation with the leaders of the House and the Senate. We think that is reasonable, and we support that. However, and let me emphasize this, there is an entirely new dimension to this entire issue now, and that new dimension, which I have just been made aware of, is that the Justice Department says that the makeup of the board in the Senate bill coming to us is unconstitutional. Let me repeat that. The Justice Department informs us that the makeup of the board as coming to us in the Senate bill is unconstitutional. It violates the appointments clause.

That adds a whole new dimension to this debate. It is no longer a question of whether we simply think our structure of the board is better than the structure of the board proposed by somebody else. It is beyond our control. The Justice Department says it is unconstitutional.

As chairman of the committee, I would be derelict in my duties if I were to bring this bill to the floor recognizing that it has been said by the Justice Department that what I bring to the floor is unconstitutional. Therefore, unless we can get agreement, I shall not bring this bill to the floor. Unless we can get agreement, I will immediately move to hold hearings that deal with the constitutionality to invite the Justice Department to come up and testify. And only when we can satisfy ourselves that whatever we do

is constitutional, then we can move ahead to save Amtrak.

So unless we can work this out, I again want to emphasize, No. 1, the Justice Department says the bill as sent to us by the Senate is unconstitutional. No. 2, as chairman of the committee, I will not bring this bill to the floor unless we can work this out in some fashion. And No. 3, also as chairman of the committee, I will move immediately to hold hearings on the constitutionality question so we can clear it up so we can be back here early next year if we fail to work something out today and tomorrow, so we can be back as early next year as possible to deal with it so that whatever we bring to the floor will be constitutional rather than unconstitutional. I hope and I feel great responsibility to make that very clear to my colleagues.

Mr. Speaker, I include for the RECORD the letter from the Justice Department.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 24, 1997.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Department of Justice on the reported bill, S. 738, the "Amtrak Reform and Accountability Act of 1997." We have several concerns about the role of the General Accounting Office ("GAO") in developing a liquidation plan and the proposed competition of the Amtrak board of directors.

Section 204 of the bill could be read to direct Amtrak to incorporate recommendations of the GAO into its liquidation plan. Such a construction would violate the constitutional separation of powers doctrine. Section 411 of the bill would amend 49 U.S.C. §24302(a), which governs the composition of Amtrak's board of directors. Because certain directors would not be appointed in conformity with the Appointments Clause of the Constitution, art. II, §2, cl. 2, it is likely that the statute's vesting of significant authority in the board is unconstitutional.

1. Section 204: Action Plans

The bill would establish an "Amtrak Reform Council" composed of nine members.[1] Section 204 calls for the development of two action plans if the Council finds that Amtrak business performance will prevent it from meeting the financial goals set forth in section 201, or if it finds that Amtrak will need grant funds more than five years after enactment of the bill. The Council is to construct and submit to Congress an action plan providing for a "rationalized intercity rail passenger system." Amtrak is to develop an action plan for "the complete liquidation of Amtrak." Amtrak must submit its plan to Congress "after having the plan reviewed by the Inspector General of the Department of Transportation and the General Accounting Office for accuracy and reasonableness." Section 204(c). If Congress has not enacted a law to establish a restructured and rationalized rail system within ninety days of receiving the actions plans, the bill directs Amtrak to implement its liquidation plan "after such modification as may be required to reflect the recommendations, if any, of the Inspector General of the Department of Transportation and the General Accounting Office." Section 204(c)(2).

The GAO is an arm of the Congress. *See* 31 U.S.C. §§702–03 (GAO is independent of the executive departments and headed by Comptroller General; Comptroller General removable by impeachment or by joint resolution of Congress for cause); *Bowsher* v. *Synar*, 478 U.S. 714 (1986) (Comptroller General is subject to the control of Congress). The constitutional separation of powers doctrine forbids Congress from aggrandizing itself by enacting legislation that confers non-legislative authority on Congress, its agents, its appointees, or anyone subject to its direct control. *See, e.g., id.* If section 204(c)(2) were read to require Amtrak to adhere to the recommendations of the GAO, the GAO would exercise executive authority. This would violate the anti-aggrandizement principle. *See id.* at 727–34. To avoid the serious constitutional question that such a reading would present, we interpret section 204(c)(2) as directing Amtrak to consider, rather than to adopt, any recommendations made by the GAO regarding the liquidation plan. *See Edmond v. United States*, 117 S. Ct. 1573, 1578 (1997) (Court avoids interpreting act in manner that could be clearly unconstitutional if another reasonable interpretation available); *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490, 500 (1978) (Court will decline to read act so as to give rise to a serious constitutional question).

2. Section 411: Amtrak's Board of Directors

Amtrak is a government-created and government-controlled corporation. *See* Rail Passenger Service Act of 1970 §101, 84 Stat. 1328; 49 U.S.C. 49 U.S.C. §24302(a). Amtrak's charter sets forth the "public interest 'goals'" that Congress intended for it to pursue, and its structure allows the federal government to exert control "not as a creditor but as a policy maker." *Lebron v. National R.R. Passenger Corp.*, 513 U.S. 374, 399 (1995).

In *Lebron*, the Supreme Court held that Amtrak is a Federal government entity for the purpose of determining whether it has violated an individual's First Amendment rights. *Id.* at 400. While the First Amendment was the only constitutional provision at issue in *Lebron*, the Court did characterize Amtrak as "an agency of the Government, for purposes of the constitutional obligations of Government * * * " *id.* at 399. We see "no principled basis for distinguishing between the status of a federal entity vis-a-vis constitutional obligations relating to individual rights and vis-a-vis the structural obligations that the Construction imposes on federal entities." Memorandum for the General Counsels of the Federal Government, from Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, Re: *The Constitutional Separation of Powers between the President and Congress* at 27 n.71 (May 7, 1996) ("Dellinger Memo"). We therefore believe that under its best reading, *Lebron* implies that any official of Amtrak who exercises significant authority must be appointed pursuant to the Appointments Clause, U.S. Const. art. II, §2. *See generally Buckley v. Valeo*, 424 U.S. 1, 124–26 (1976) (per curiam).

S. 738 would vest significant authority in the Amtrak board. Amtrak is to "operate as a national rail passenger transportation system which provides access to all areas of the country." section 101(a). The Amtrak directors have the authority to make significant discretionary decisions regarding the acquisition "operation and maintenance of equipment and facilities necessary for intercity and commuter rail passenger transportation, the transportation of mail and express, and auto-ferry transportation." 49 U.S.C. §24305(a). Amtrak also "may acquire by eminent domain" property "necessary for intercity rail passenger transportation." *id.* §24311(a). We therefore think it apparent that the bill would vest significant authority in the Amtrak board. As such, the directors must be appointed in conformity with the Appointments Clause.

A. Directors required to be chief executive officers of a State or municipality

Section 411 of the bill would amend 49 U.S.C. §24302(a)(1)(C) to require the President to appoint four members of the Amtrak board with the advice and consent of the Senate. Among these four directors are to be:

one chief executive officer of a State, and one chief executive officer of a municipality, selected from among the chief executive officers of State[s] and municipalities with an interest in rail transportation.

Section 411(2).

Limiting the eligible appointees to these chief executive officers does not leave sufficient "scope for the judgment and will of the person or body in whom the Constitution vests the power of appointment." *Civil Service Commission*, 13 Op. Att'y Gen. 516, 520–21. We suggest eliminating the requirement that the nominees be chief executive officers of a State and a municipality. The statute instead might provide for the President to appoint directors with expertise in local government, or to consult with one or more associations of State and local government officials before making these appointments.

B. Directors appointed by the President alone

Three of the directors would be appointed solely by the President. One is to be a representative of a commuter authority, one is to have expertise in finance and accounting principles, and one is to be a representative of the general public.[2] Section 411(5). While principal officers must be appointed by the President with the advice and consent of the Senate, Congress may provide for the appointment of inferior officers by the President alone, the head of a department, or a court of law. *See Buckley*, 424 U.S. at 132. Accordingly, vesting the authority to make these appointments in the President is permissible if the directors are inferior officers.

"The line between 'inferior' and 'principal' officers is one that is far from clear," *Morrison v. Olson*, 487 U.S. 654, 671 (1988), and "[t]he nature of each government position must be assessed on its own merits." *Silver v. United States Postal Serv.*, 951 F.2d 1033, 1040 (9th Cir. 1991). "Inferior" does not mean "petty or unimportant." *See United States Attorneys—Suggested Appointment Power of the Attorney General*, 2 Op. O.L.C. 58, 58–59 (1978). "Generally speaking, the term 'inferior officer' connotes a relationship with some higher ranking officer or officers below the President . . . ." *Edmond*, 117 S. Ct. at 1580. As such, the work of an inferior officer will usually be "directed and supervised at some level by others who were appointed by presidential nomination with the advice and consent of the Senate." *Id.* at 1581. Accordingly, "an officer responsible only to the President for the exercise of significant discretion in decision making is probably a principal officer." Dellinger Memo at 30. "[A]n officer who is subject to control and removal by an officer other than the President should be deemed presumptively inferior." *Id.*

We think it unlikely that these three directorships can be characterized as inferior

Footnotes at end of article.

offices. The Amtrak board exercises broad authority over nationwide rail service. *See* 49 U.S.C. §24302(f) (board may adopt bylaws governing the operation of Amtrak). The board appoints the President of Amtrak, as well as all other officers of the corporation. *Id.* §24303(a) and (b). Finally, the members of the Amtrak board are directly responsible to the President and to no other Executive officer. We therefore recommend that section 411 be amended to provide for the appointment of these directors by the President with the advice and consent of the Senate.

C. Amtrak's president

The president of Amtrak serves as a director on the Amtrak board. 49 U.S.C. 24302(a)(1)(B). The Amtrak president is appointed by the board, and serves as its chairman. 49 U.S.C. 24303 (a). Because a majority of the directors who would appoint the Amtrak president would not themselves be appointed in conformity with the Appointments Clause, the President's appointment does not comply with the Appointments Clause.[3]

Thank you for the opportunity to present our views. Please contact us if we may be of further assistance. The Office of Management and Budget has advised us that from the standpoint of the Administration's program, it has no objection to submission of this letter.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

FOOTNOTES

[1]The Council will be composed of the Secretary of Transportation, two individuals appointed by the President, two individuals appointed by the Majority Leader of the Senate, one member appointed by the Minority Leader of the Senate, two individuals appointed by the Speaker of the House, and one individual appointed by the Minority Leader of the House. Section 203.

[2]We do not think that these more general qualifications limit the class of potential nominees as significantly as does the requirement that two directors be chief executive officers of a State and of a municipality.

[3]We do not address any other constitutional issues that might be raised by this appointment.

Ms. SLAUGHTER. Mr. Speaker, I yield the remainder of my time to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, let me respond very quickly to the statements of the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished chairman.

First of all, in terms of the constitutionality, the letter that I have from Secretary Slater contests that. And, of course, the proper place for that is to be discussed over months. But the reality is that the Amtrak board, which if it were to continue under the Senate language, has been in existence for a long time for many, many years. All of a sudden we are now hearing concerns about the unconstitutionality of it.

At any rate, that is something that can be resolved at a more leisurely pace over the next months, but should not be something that can be taken up on the floor today or tomorrow. And it also should be noted that, in the Senate legislation, there is a reform board that has some teeth in it as well, an oversight panel that is appointed that goes, I believe, partly to addressing the concerns of the chairman.

The second is that I am interested because it was the chairman that I believe was just a couple weeks ago repeating my words in debate 2 years ago, and he was talking about the need to pass this legislation immediately. Well, now I am reciting the words of the chairman, because it is important to pass this legislation immediately and also to recognize that it is not a finished product and that the legislation that we pass today is the basic reform of Amtrak, and then we can come back and deal with the issues of the board as well.

I am concerned about one statement I heard, which is, if we do not reach agreement today on this board matter, the bill gets pulled. If the bill gets pulled, I think we have got a significantly different Amtrak when we get back. And I would sure hate for us to worry about angels dancing on the heads of pins when we have a chance to pass a significant legislation that lets Amtrak access the capital that this Congress voted for to give Amtrak the ability to do.

I would urge support of the Oberstar recommittal motion, pass the basic legislation now, and come back later in the next few months and work on the very genuine concerns of the chairman, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SOLOMON. Mr. Speaker, I am prepared to close if the gentlewoman from New York [Ms. SLAUGHTER] would like to yield back her time.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. I will be as brief as I can.

But let me just say that what has happened to the railroad system in this country is so, so sad. I sort of grew up, beginning back in 1930, and we had a good railroad system in this country. And then something happened to it. Today, we are the greatest Nation in the world, and yet we have the worst railroad system in the world of any industrialized nation in the world. Something happened.

I guess back in the Eisenhower days, they began to develop the national road system, which is now administered by each individual State with all the interstate highways that we have. But yet, we never did anything to try to solve the problems of the railroads. I do not know what the answer is. Sometimes I wonder, you know, the States on behalf of the Federal Government own the beds of all the interstate highways throughout this country, and maybe the States on behalf of the Federal Government ought to own the railroad beds and then let the free enterprise system work. I do not know what the answer is, but it is a shame, because we need a viable railroad system in this country, and we need Amtrak.

My good friend, the gentleman from West Virginia [Mr. WISE], who left the floor, he is noted for a Member that does his homework. He certainly articulates his position. Unfortunately, I just have to agree with him, we agree that we must, must save Amtrak. But I do not believe that the legislation before us, the Senate legislation, can pass. It cannot satisfy members of the Committee on Transportation and Infrastructure. It cannot satisfy the Members of this body.

Consequently, if we pass the amendment that the gentleman from Pennsylvania [Mr. SHUSTER] is proposing to the Senate bill, I think there is ample time over in the Senate to take up the measure, since both Houses really will be in a position of treading water from now until the time we adjourn, just waiting for these four appropriations bills to be adopted so that we can go home.

That is why I was sad to see us not be able to take the vote on the two-thirds rule that we just debated a few minutes ago, because once we had done that, then we could take up the Amtrak bill, and we could send it over to the Senate, and it would give them an extra 5 or 6 hours to deal with this matter. But, unfortunately, that cannot happen now because all the votes are going to be delayed until 5.

So, again, I would just say that we must, must make sure that we are going to go away from here this weekend with the Amtrak legislation taken care of, because Amtrak, in my opinion, will not be solvent. The gentleman from West Virginia [Mr. WISE] repeated my remarks up in the Committee on Rules Sunday, in which I said there would be no meaningful legislation taken up during the month of January. We will be off most of the month of January, coming back for only a day or two. And then much of the month of February is taken up with the work period over the Presidential recess period.

So I just hope we can pass this rule and we can pass the legislation that will follow it so that we can pass and get legislation dealing with the solvency of Amtrak into the law before we go home this weekend.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this motion will be postponed until later today.

CONTINUATION OF EMERGENCY REGARDING WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–169)

The SPEAKER pro tempore (Mr. PETRI) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

On November 14, 1994, in light of the dangers of the proliferation of nuclear, biological, and chemical weapons ("weapons of mass destruction"—(WMD)) and of the means of delivering such weapons, I issued Executive Order 12938, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration, unless I publish in the *Federal Register* and transmit to the Congress a notice of its continuation.

The proliferation of weapons of mass destruction continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I am advising the Congress that the national emergency declared on November 14, 1994, and extended on November 14, 1995 and November 14, 1996, must continue in effect beyond November 14, 1997. Accordingly, I have extended the national emergency declared in Executive Order 12938 and have sent the attached notice of extension to the *Federal Register* for publication.

The following report is made pursuant to section 204(c) of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), regarding activities taken and money spent pursuant to the emergency declaration. Additional information on nuclear, missile, and/or chemical and biological weapons (CBW) nonproliferation efforts is contained in the most recent annual Report on the Proliferation of Missiles and Essential Components of Nuclear, Biological and Chemical Weapons, provided to the Congress pursuant to section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), also known as the "Nonproliferation Report," and the most recent annual report provided to the Congress pursuant to section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102–182), also known as the "CBW Report."

CHEMICAL AND BIOLOGICAL WEAPONS

The three export control regulations issued under the Enhanced Proliferation Control Initiative (EPCI) remained fully in force and continue to be applied in order to control the export of items with potential use in chemical or biological weapons or unmanned delivery systems for weapons of mass destruction.

Chemical weapons continue to pose a very serious threat to our security and that of countries friendly to us. On April 29, 1997, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the "Chemical Weapons Convention" or (CWC)) entered into force with 87 of the CWC's 165 signatories as original States Parties. The United States was among their number, having deposited its instrument of ratification on April 25. As of November 5, 104 countries had become States Parties.

Russia did not complete its legislative approval process in time to be among the original CWC States Parties. In our March meeting in Helsinki, President Yeltsin did, however, assure me of his understanding of the importance of the CWC to Russia's own security. On October 31, 1997, the Russian Duma (lower house) approved ratification of the CWC. On November 5, 1997, the Russian Federation Council unanimously approved the CWC and the Russian government deposited its instrument of ratification. Russia's ratification makes it possible for Russia to join the United States in playing a leadership role in ensuring that all of the Convention's benefits are realized.

Given Russia's financial situation during this difficult period of transition to a market economy, serious concerns have been raised about the high costs of environmentally sound destruction of the large stocks of chemical weapons Russia inherited from the former Soviet Union. Through the Cooperative Threat Reduction Program, we are working with Russia to help address these complex problems, and we will continue to do so now that Russia has ratified the CWC.

The Organization for the Prohibition of Chemical Weapons (OPCW) has been established to achieve the object and purpose of the CWC, to ensure the implementation of its provisions and provide a forum for consultation and cooperation among States Parties. The executive organ of the OPCW, the Executive Council, has met five times since May to oversee decisions related to *inter alia* data declarations, inspections, and organizational issues. The United States plays an active role in ensuring effective implementation of the Convention.

The CWC is an ambitious undertaking by the world community to ban an entire class of weapons of mass destruction. Its members have committed themselves to totally eliminating chemical weapons stocks and production facilities, prohibiting chemical weapons-related activities, banning assistance for such activities and restricting trade with non-Parties in certain relevant chemicals. Destruction of U.S. chemical weapons stocks is moving forward. Other CWC States Parties have now taken on a similar task, and we are working hard with the other members of the CWC to make membership in this treaty universal.

The United States is determined to ensure full implementation of the concrete measures in the CWC that will raise the costs and the risks for any state or terrorist attempting to engage in chemical weapons-related activities. The CWC's declaration requirements will improve our knowledge of possible chemical weapons activities, whether conducted by countries or terrorists. Its inspection provisions provide for access to declared and undeclared facilities and locations, thus making clandestine chemical weapons production and stockpiling more difficult, more risky, and more expensive.

Countries that refuse to join the CWC will be politically isolated and banned from trading with States Parties in certain key chemicals. The relevant Treaty provision is specifically designed to penalize in a concrete way countries that refuse to join the rest of the world in eliminating the threat of chemical weapons.

The United States also continues to play a leading role in the international effort to reduce the threat from biological weapons. We are an active participant in the Ad Hoc Group striving to create a legally binding protocol to strengthen and enhance compliance with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the "'Biological Weapons Convention" or (BWC)). This Ad Hoc Group was mandated by the September 1994 BWC Special Conference. The Fourth BWC Review Conference, held in November 1996, commended the work done by the Ad Hoc Group and urged it to complete the protocol as soon as possible but not later than the next Review Conference to be held in 2001. A draft rolling text was introduced by the Chairman at the July Ad Hoc Group session. Work is progressing on insertion of national views and clarification of existing text, largely drawn from the consultative phase of Ad Hoc Group work since 1994. Three-week sessions are scheduled for January, July, and September of 1998. Another 2-week session will be scheduled for either March or December of 1998. Early completion of an effective BWC protocol is high on our list of nonproliferation goals.

The United States continues to be a leader in the Australia Group (AG) chemical and biological weapons nonproliferation regime. Last year, the United States supported the entry into

the AG of the Republic of Korea, which became the group's 30th member in time for the October 1996 plenary.

The United States attended this year's annual AG plenary session from October 6–9, 1997, during which the Group continued to focus on strengthening AG export controls and sharing information to address the threat of CBW terrorism. At the behest of the United States, the AG first began in-depth political-level discussion of CBW terrorism during the 1995 plenary session following the Tokyo subway nerve gas attack earlier that year. At the 1996 plenary, the United States urged AG members to exchange national points of contact for AG terrorism matters. At the 1997 plenary, the AG accepted a U.S. proposal to survey all AG members on efforts each has taken to counter this threat.

The Group also reaffirmed the members' collective belief that full adherence to the CWC and the BWC is the best way to achieve permanent global elimination of CBW, and that all states adhering to these Conventions have an obligation to ensure that their national activities support this goal.

AG participants continue to seek to ensure that all relevant national measures promote the object and purposes of the BWC and CWC. The AG nations reaffirmed their belief that existing national export licensing policies on chemical weapons-related items fulfill the obligation established under Article I of the CWC that States Parties never assist, in any way, the acquisition of chemical weapons. Given this understanding, the AG members also reaffirmed their commitment to continuing the Group's activities now that the CWC has entered into force.

The AG also reaffirmed its commitment to continue to provide briefings for non-AG countries, and to promote regional consultations on export controls and nonproliferation to further awareness and understanding of national policies in these areas.

During the last 6 months, we continued to examine closely intelligence and other reports of trade in chemical weapons-related material and technology that might require action, including evaluating whether sanctions under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 were warranted. In May 1997, we imposed sanctions on seven Chinese entities and one Hong Kong company for knowingly and materially contributing to Iran's CW program through the export of dual-use chemical precursors and/or chemical production equipment and technology. In September 1997, we imposed sanctions on a German citizen and a German company determined to have been involved in the export of chemical production equipment to Libya's CW program.

The United States continues to cooperate with its AG partners in stopping shipments of proliferation concern. By sharing information through diplomatic and other channels, we and our AG partners have been successful in interdicting various shipments destined to CBW programs.

MISSILES FOR WEAPONS OF MASS DESTRUCTION DELIVERY

During the reporting period, the United States carefully controlled exports that could contribute to unmanned delivery systems for weapons of mass destruction and closely monitored activities of potential missile proliferation concern. We also continued to implement U.S. missile sanctions law, in cases where sanctionable activity was determined to have occurred. In August 1997, we imposed sanctions against two North Korean entities determined to have engaged in missile proliferation activities. Similar sanctions imposed in May 1996 remain in effect against two entities in Iran and one entity in North Korea for transfers involving Category II Missile Technology Control Regime (MTCR) Annex items.

During this reporting period, MTCR Partners continued to share information about proliferation problems with each other and with other potential supplier, consumer, and transshipment states. Partners also emphasized the need for implementing effective export control systems. This cooperation has resulted in the interdiction of missile-related materials intended for use in missile programs of concern.

The United States was an active participant in the MTCR's June 1997 Reinforced Point of Contact Meeting (RPOC). At the RPOC, MTCR Partners engaged in useful discussions of regional missile proliferators' concerns, as well as steps the Partners could take to increase transparency and outreach to nonmembers.

In July 1997, the United States also played a leading role at the Swiss-hosted MTCR workshop on the licensing and enforcement aspects of transshipment. The workshop was successful in focusing attention on the enforcement problems raised by proliferators' misuse of transshipment and fostered a productive exchange of ideas on how countries can better address such activity.

The United States worked unilaterally and in coordination with its MTCR Partners to combat missile proliferation and to encourage nonmembers to export responsibly and to adhere to the MTCR Guidelines. Since the last report, we have continued our missile nonproliferation dialogue with China, the Republic of Korea (ROK), North Korea (DPRK), and Ukraine. In the course of normal diplomatic relations, we also have pursued such discussions with other countries in Central Europe, the Middle East, and Asia.

In June 1997, the United States and the DPRK held a second round of missile talks, aimed at freezing the DPRK's indigenous missile development program and curtailing its missile-related export activities. The DPRK appeared willing to consider limits on its missile-related exports, in return for sanctions-easing measures, but did not engage in discussion of limits on its missile development program. We intend to pursue further missile talks with the DPRK.

In July 1997, we held another round of nonproliferation talks with the ROK. These talks were productive and made progress toward facilitating ROK membership in the MTCR.

In response to reports that Iran had acquired sensitive items from Russian entities for use in Iran's missile development program, the United States intensified its high-level dialogue with Russia on this issue. We held a number of productive discussions with senior Russian officials aimed at finding ways the United States and Russia can work together to prevent Iran's ballistic missile development program from acquiring Russian technology and equipment. This process is continuing.

NUCLEAR WEAPONS

In a truly historic landmark in our efforts to curb the spread of nuclear weapons, the 50th U.N. General Assembly on September 10, 1996, adopted and called for signature of the Comprehensive Nuclear Test Ban Treaty (CTBT), negotiated over the previous 2½ years in the Conference on Disarmament in Geneva. The overwhelming passage of this U.N. resolution (158–3–5) demonstrates the CTBT's strong international support and marks a major success for United States foreign policy. On September 24, 1996, I and other international leaders signed the CTBT in New York.

During 1997, CTBT signatories have conducted numerous meetings of the Preparatory Commission in Vienna, seeking to promote rapid completion of the International Monitoring System established by the Treaty. On September 23, I transmitted the CTBT to the Senate, requesting prompt advice and consent to ratification.

The CTBT will serve several United States national security interests in banning all nuclear explosions. It will constrain the development and qualitative improvement of nuclear weapons; end the development of advanced new types; contribute to the prevention of nuclear proliferation and the process of nuclear disarmament; and strengthen international peace and security. The CTBT marks an historic milestone in our drive to reduce the nuclear threat and to build a safer world.

Formal preparations for the year 2000 Review Conference for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) began in 1997 with the first of three annual Preparatory Committee meetings of the Parties to the

Treaty. The United States is committed to working to ensure that the 2000 NPT review Conference will further strengthen the NPT and reinforce global nuclear nonproliferation objectives. Since the 1995 NPT Conference, eight additional states have joined the NPT, leaving only five states worldwide currently outside the NPT regime. The NPT Exporters (Zangger) Committee added China to its membership in 1997.

The Nuclear Suppliers Group (NSG) continued its efforts to upgrade control lists and export control procedures. NSG members confirmed their agreement to clarifications to the nuclear trigger list to accord with trigger list changes agreed to by the members of the NPT Exporters (Zangger) Committee, and the International Atomic Energy Agency published these understandings on September 16, 1997. The NSG also is actively pursuing steps to enhance the transparency of the export regime in accordance with the call in Principles 16 and 17 of the 1995 NPT Review and Extension Conference.

The NSG held an export control seminar in Vienna on October 8 and 9, 1997, which described and explained the role of the NSG (and the Zangger Committee) in preventing nuclear proliferation. The NSG also continued efforts to enhance information sharing among members regarding the nuclear programs of proliferant countries by (1) "officially" linking the NSG members through a dedicated computer network allowing for real-time distribution of license denial information, and by (2) creating a separate session for exchange of information on the margins of the NSG plenary meeting.

NSG membership will increase to 35 with the acceptance of Latvia. The ultimate goal of the NSG is to obtain the agreement of all suppliers, including nations not members of the regime, to control nuclear and nuclear-related exports in accordance with the NSG guidelines.

EXPENSES

Pursuant to section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I report that there were no expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order 12938 during the semiannual reporting period.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 12, 1997.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 1 o'clock and 14 minutes p.m.), the House stood in recess until approximately 5 p.m. today.

□ 1705

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SUNUNU] at 5 o'clock and 5 minutes p.m.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 11, 1997.

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

DEAR MR. SPEAKER: This letter is to officially notify you of my resignation as United States Representative to the First District of Pennsylvania. President Clinton has given me the opportunity to continue my lifetime of public service by nominating me to be Ambassador to Italy, the nation of my heritage.

I love this body and leave it with bittersweet emotions—I move onto exciting new challenges but I leave so many good friends and colleagues. I feel so strongly about so many of the people I have served with over the past seventeen years. There is that saying attributable to Harry Truman that if you want a friend in Washington, buy a dog. For me, nothing can be further from the truth. I have made friends here, on both sides of the aisle, who I will keep and cherish for the rest of my life.

I thank the people of the First District for the opportunity to serve them, this country and this institution. It has been a great honor.

Thank you.

Sincerely,

THOMAS M. FOGLIETTA.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1, the Chair will now put the question on adoption of those resolutions on which further proceedings were postponed earlier today.

Without objection, votes will be taken in the following order: House Resolution 319; and House Resolution 314, as amended.

There was no objection.

PROVIDING FOR CONSIDERATION OF S. 738, AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of agreeing to House Resolution 319 on which the yeas and nays are ordered.

The Clerk read the title of the resolution, as amended.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 324, nays 72, not voting 36, as follows:

[Roll No. 629]

YEAS—324

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Cook
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Diaz-Balart
Dickey
Dixon
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Farr
Fattah
Fawell
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hamilton
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter

Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stokes
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Upton
Vento
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—72

Ackerman
Allen
Baesler
Barrett (WI)
Becerra
Berman
Bonior
Brown (CA)
Brown (OH)
Callahan
Clement
Condit
Conyers
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
Dellums
Deutsch
Dicks
Doggett
Dooley
Edwards
Eshoo
Etheridge
Evans
Fazio
Ford
Gejdenson
Hall (OH)
Hall (TX)
Harman
Hefner
Hooley
Hoyer
Jackson (IL)
Jefferson
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kleczka
LaFalce
Lofgren
Markey
Martinez
Matsui
McHale
Moakley
Obey
Olver
Pastor
Pelosi
Peterson (MN)
Pickett
Price (NC)
Roemer
Sabo
Sherman
Skaggs
Stabenow
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Tierney
Velázquez
Visclosky
Watt (NC)
Waxman
Wexler

NOT VOTING—36

Brady
Combest
Cooksey
Cubin
Dingell
Dunn
Flake
Frost
Gephardt
Gonzalez
Gordon
Hansen
Houghton
John
Lantos
McDermott
McIntosh
Meehan
Menendez
Metcalf
Morella
Neal
Norwood
Owens
Pryce (OH)
Radanovich
Riley
Rush
Scarborough
Schiff
Schumer
Smith (OR)
Smith, Adam
Stark
Towns
White

□ 1740

Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SANCHEZ, Messrs. CLAY, HASTINGS of Florida, DAVIS of Florida, BLUMENAUER, SANDERS, SNYDER, Ms. KILPATRICK, Messrs. FRANK of Massachusetts, COSTELLO, BORSKI, THOMPSON, WEYGAND, SAWYER, MOLLOHAN, LEVIN, Ms. BROWN of Florida, Mr. BLAGOJEVICH, Ms. ROYBAL-ALLARD, Messrs. DIXON, FATTAH, NADLER, KLINK, MURTHA, Ms. McKINNEY, Ms. WOOLSEY, Messrs. ENGEL, BARCIA, McNULTY, MILLER of California, STRICKLAND, SPRATT, FARR of California, GOODE, MASCARA, Mrs. KENNELLY of Connecticut, Mr. VENTO, Ms. SLAUGHTER, Messrs. CRAMER, ANDREWS, PALLONE, KIND, WYNN, DEFAZIO, PAYNE, DOYLE, BOUCHER, MALONEY of Connecticut, RODRIGUEZ, KILDEE, BENTSEN, GREEN, Ms. RIVERS, Messrs. GUTIERREZ, LUTHER, RANGEL, HINOJOSA, STOKES, REYES, Mrs. LOWEY, Messrs. HINCHEY, YATES, SCOTT, SKELTON, TURNER, Mrs. THURMAN, Mr. SISISKY, Ms. CARSON, Ms. DELAURO, Messrs. LEWIS of Georgia, JOHNSON of Wisconsin, MANTON, MINGE, BALDACCI, and Mrs. MALONEY of New York changed their vote from "nay" to "yea."

Mr. HEFNER changed his vote from "yea" to "nay."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

The SPEAKER pro tempore (Mr. SUNUNU). The pending business is the question of agreeing to House Resolution 314, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 213, nays 193, not voting 26, as follows:

[Roll No. 630]

YEAS—213

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Cook
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Nethercutt
Neumann
Ney
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Ramstad
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—26

Brady
Combest
Cooksey
Cubin
Flake
Frost
Gephardt
Gonzalez
Hansen

Houghton	Owens	Schumer
John	Pryce (OH)	Smith (OR)
Meehan	Radanovich	Stark
Myrick	Riley	Towns
Neal	Scarborough	White
Norwood	Schiff	

□ 1808

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF LEGISLATION WHICH MAY BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY AND TOMORROW

Mr. DREIER. Mr. Speaker, pursuant to House Resolution 314, I wish to announce the following suspensions which may be considered today, Wednesday, November 12, 1997, and Thursday, November 13, 1997:

S. 1519, ISTEA;

H.R. 2979, a bill to authorize acquisition of certain real property for the Library of Congress;

Senate Concurrent Resolution 61, authorizing printing of a revised edition of the publication entitled "Our Flag";

Senate Concurrent Resolution 62, authorizing printing of the brochure entitled "How Our Laws Are Made";

Senate Concurrent Resolution 63, authorizing printing of the pamphlet entitled "The Constitution of the United States of America";

House Concurrent Resolution 190, authorizing the use of the rotunda of the Capitol for the congressional Christmas celebration;

S. 1378, a bill to extend the authorization of use of official mail in the location and recovery of missing children;

S. 1507, a bill to amend the National Defense Authorization Act for fiscal year 1998 to make certain technical corrections;

H.R. 2709, Iran Missile Proliferation Sanctions Act of 1997;

H.R. 764, Bankruptcy Amendments of 1997;

H.R. 2440, a bill to make technical amendments to section 10 of title 9, United States Code;

House Joint Resolution 95, granting the consent of Congress to the Chickasaw Trail Economic Development Compact;

House Joint Resolution 96, granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact;

H.R. 1753, a bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000;

S. 1228, 50 States Commemorative Coin Program Act;

H.R. 1271, FAA Research, Engineering, and Development Authorization Act of 1997;

H.R. 1658, Atlantic Striped Bass Conservation Act Amendments of 1997;

H.R. 1604, a bill to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians;

S. 1079, an act to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation;

S. 731, a bill to extend the legislative authority for construction of the National Peace Garden memorial;

S. 1354, a bill to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers;

S. 1505, a bill to make technical and conforming amendments to the Museum and Library Services;

S. 1417, a bill to provide for the design, construction, furnishing and equipping of a Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center;

H.R. 867, Adoption Promotion Act of 1997;

House Concurrent Resolution 137, expressing the sense of the House of Representatives concerning the urgent need for an international criminal tribunal to try members of the Iraqi regime for crimes against humanity;

House Resolution 282, congratulating the Association of South East Asian Nations;

House Resolution 231, urging the President to make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam;

House Concurrent Resolution 172, expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia;

House Concurent Resolution 130, a concurrent resolution concerning the situation in Kenya;

And House Resolution 273, condemning the military intervention by the Government of Angola into the Republic of the Congo.

RECESS

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:45 p.m.

Accordingly (at 6 o'clock and 11 minutes p.m.), the House stood in recess until approximately 6:45 p.m.

□ 1853

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SNOWBARGER] at 6 o'clock and 53 minutes p.m.

AMENDING THE RULES OF THE HOUSE TO REPEAL EXCEPTION TO REQUIREMENT THAT PUBLIC COMMITTEE PROCEEDINGS BE OPEN TO ALL MEDIA

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

Resolved, That (a) clause 3(f) of rule XI of the Rules of the House of Representatives is amended by repealing subdivision (2) and by redesignating subdivisions (3) through (13) as subdivisions (2) through (12), respectively.

(b) Clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by striking ", except as provided by clause 3(f)(2)".

(d) The first sentence of clause 3(e) of rule XI of the Rules of the House of Representatives is amended by striking ", except as provided in paragraph (f)(2)".

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, on this very important subject, to me this subject, Mr. Speaker, is a question of truth and do we believe that the American people have the right to discern the truth.

House Resolution 301 is a straightforward rule. It is a straightforward rule change to repeal the exception to the requirement that public committee proceedings be open to all media, all types of media. This resolution continues the process we began in 1995 of opening up our committee proceedings to enhance public scrutiny and greater accountability. The resolution repeals clause 3(f)(2) of House rule XI, known inside this building as the camera rule.

As Members recall, when we began the 104th Congress under new management for the first time in 40 years, we instituted an openness policy that said that committee meetings and hearings that are open to the public shall also be open to the media. This sunshine rule reaffirms the right of the public to have all types of media cover most of our proceedings, making it clear that such coverage is no longer treated as a privilege to be granted and taken away at the discretion of a committee or subcommittee.

The only deviation from this policy has been the exception found in clause 3(f)(2) giving subpoenaed witnesses the absolute right to decide, for whatever reason, to pull the plug on certain types of media coverage of their testimony at an otherwise public hearing.

Mr. Speaker, this exception to the sunshine rule is a holdover from another era. We heard testimony in the

Committee on Rules from the distinguished dean of this House, the gentleman from Michigan, [Mr. JOHN DINGELL], who is one of the most respected and probably one of the most feared committee chairmen ever to serve in this body. Mr. DINGELL cautioned us not to repeal this exception for subpoenaed witnesses, and he raised the specter of the McCarthy hearings that took place nearly half a century ago.

None of us is proud of that period in the history of this institution. Certainly, we have learned a lot. Clearly, there were excesses as powerful Members of Congress overstepped the bounds of fairness. When the House first began the process of evolving into the modern television age in 1970, Members, remembering the McCarthy era, wisely took a go-slow approach to phasing in audio and visual media coverage of congressional proceedings.

But, Mr. Speaker, that was more than a quarter of a century ago. Time does fly. As my children and my grandchildren are constantly reminding me, times have changed. Like it or not, we are living in an era of high technology and instant global communication. Television, radio, and even cyberspace are commonplace in our lives and have become part of the daily media diet of countless Americans. Congress just has to get on with the program, even if we are sometimes a bit slow about embracing the modern technological revolution.

My colleagues are aware that C-SPAN is a huge success among the American people precisely because our constituents have come to expect and rely upon seeing for themselves what it is we do, without the filter of someone else's pen or an editor deciding how to package certain information for public consumption; just straight stuff, no spin doctors; viewers draw their own conclusions.

Mr. Speaker, I come from the Sunshine State, aptly named for more than just the one most obvious reason, about our wonderful climate, especially at this time of year. We also have in Florida sunshine rules for all levels of government. I have found time and again that sunshine is the best antidote to excess and abuse, and it is indeed the path to truth.

I know there is concern about protecting reluctant witnesses from unfair questioning or uncivil badgering before a committee of this House. But rather than turning off the cameras, shutting down the radio, and prohibiting still photography, I submit to my colleagues that the better option is to let all the sunshine in, remembering that the print media are still there. If a witness is unfairly treated by any Member of this House, it will be clear to the people who witness that occurrence on television or on the radio.

Furthermore, I expect that our committee chairmen will take control of proceedings under their charge if things get out of hand. It comes down to the fact that I have faith in the American people and I have faith in the Members who run our committees.

It is my view that the American people are smarter than some of our colleagues seem to think. They can discern for themselves if they are seeing and hearing a witch-hunt or a show trial or some type of proceeding or some kind of personal grandstanding.

My friend, the distinguished gentleman from Massachusetts [Mr. MOAKLEY], vice chairman of the Committee on Rules and former chairman, for whom I have the utmost respect, has lamented the fact that this rules change does some sort of violence to the concept of the people's House.

Indeed, this is the people's House, but I would argue just the opposite, that if this truly is the people's House and we want to share it with the people, why would we want to arbitrarily restrict the people's ability to see what goes on in our committee rooms?

□ 1900

Mr. Speaker, it is my view that the best way to rein in a bully on a committee dais is to expose him or her to public scrutiny. Audio and visual coverage of the committee event is as much a check on a runaway Member who wishes to bully a witness as it is a check on a witness who may have something to hide from full public scrutiny.

I would like for one moment to assure my colleagues that this rules change does nothing, let me repeat, does nothing to the crucial and truly meaningful witness protections that exist in our House rules under rule XI, clause 2. Clause 2(g) provides clear guidance to the committees and subcommittees of the House about when it is appropriate to conduct their business in closed session with no media or outsiders present. These guidelines account for instances where material discussed pertains to national security information, for example, perhaps sensitive law enforcement information, information that would tend to defame, degrade, or incriminate any person, or information that would violate any law or will of this House. That is quite a broad spectrum. In such cases, a committee may, with a full quorum present, vote by majority to close the proceedings to all except Members and appropriate staff.

In addition, clause 2(k)(5) of rule XI provides that whenever it is asserted that testimony at a hearing may tend to defame, degrade, or incriminate any person, such testimony will be taken in closed session if the committee determines by majority vote of those present, a requisite number being present, that the testimony may tend to defame, degrade, or incriminate any person.

That sounds like a lot of parliamentary lawyerese-type talk, but the bottom line is that there are mechanisms to close meetings to all media coverage if there is justification without arbitrarily discriminating against certain types of media.

I should also point out that nothing we do in our House rules in any way limits a witness' constitutional right, specifically the option to take the fifth amendment and refuse to answer questions.

Mr. Speaker, I would like to point out that the other body does not have a similar rule to the one we are considering repealing today. There is no absolute ability for a subpoenaed witness at a proceeding in the other body to arbitrarily decide to shut off broadcast coverage of his or her testimony. Life has actually gone on quite well over there in the other body, I believe, without such a rule, and I think that should be of some comfort to those Members who believe the sky might fall in if we make the change proposed here today and let the full sunshine in.

Mr. Speaker, I would also like to point out to Members that this effort was one that was undertaken by Democrat Members as well as Republican Members. The legislative history of committee proceedings in the House has examples of several distinguished Democrat then committee chairmen expressing their interest in seeing this exception to media coverage eliminated.

In sum, this rule is a change that will further the cause of sunshine and accountability in the people's House. I hope my colleagues will support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my very dear friend the gentleman from Florida [Mr. GOSS] for yielding me the time.

Mr. Speaker, in case any of my colleagues are unclear about what is about to happen, the House is now debating a resolution that takes away the fundamental right guaranteed to witnesses by the House rules. These rules were put in place to protect American citizens and others who are asked to stand before Congress and to tell the truth, and they should be protected at all costs.

Furthermore, Mr. Speaker, there is no reason on Earth to rush this resolution, but, for some reason, the Republican leadership is doing it anyway. The majority leader did not announce this resolution on the Friday when he announced the schedule for the week. This resolution was not listed on the floor schedule that was distributed on Monday morning. The Committee on Rules held a hearing after dark on Tuesday, which raised serious and technical questions and never came close to resolving moral or political

concerns. Mr. Speaker, the Committee on Rules still marked up the resolution; and here we are today.

Mr. Speaker, there is no reason whatsoever the House should be acting so carelessly and so dangerously. But, as they say, "There is no business like show business." And our friend, the gentleman from Indiana [Mr. BURTON], plans hearings for Thursday and will continue between sessions. And someone wants to be sure that the witnesses who testify before this committee are stripped of any protection under the rules.

Mr. Speaker, the rule my colleagues want to repeal was adopted in response to the shameful abuses of this House in the McCarthy era. Some say it originated with a suicide note. A young cancer researcher named William K. Sherwood was subpoenaed to appear on camera before the committee. Two days before his scheduled appearance, he wrote a note expressing his fierce resentment at being televised and then jumped from the hotel window to his death. Largely in reaction to this event, Mr. Speaker, camera and live broadcasts were banned from the committee hearings from 1957 until 1970, when the Congress enacted the Legislative Reorganization Act.

The 1970 act, which grew out of an extensive and lengthy hearing process by a special subcommittee, contained the identical language, word for word, that is in current rules, the same language that my colleagues seek to repeal.

Senator Javits, while serving in the House, was one of the first Members to champion the use of TV cameras in Congress; however, even he knew how it might impact on the rights of witnesses. And in February 1952 he said, "The indiscriminate use of television and radio could very easily in many cases work out to invade the individual's rights." Mr. Speaker, how right he was.

Representative Hugh Scott, chairman of a rules subcommittee in the Republican-controlled 1983 Congress, said in March 1955 that a code of fair committee procedures must "protect a witness from distraction, harassment, or nervousness caused by radio, TV, and motion picture coverage of hearings." The closest we have to that warning is clause 3(f) of rule XI. And if Members on that side of the aisle have their way, that soon will be gone.

Witnesses do not have the opportunity to rebut statements made to them by Members of the panel. They cannot object to a question that is misleading or incriminating. They can be held in contempt if they refuse to answer any question, regardless of how inappropriate that question may be. They can bring a lawyer with them, Mr. Speaker, but that lawyer is virtually powerless to halt an unfair line of questioning. And to further subject these witnesses to unwanted television and radio coverage is a flagrant abuse of power by the members of the committee.

Mr. Speaker, committees do make mistakes. Recently the gentleman from Indiana [Mr. BURTON] subpoenaed the records of the wrong Chi Wong. And they did it again. They subpoenaed the records of the wrong Li Ping Chen. They subpoenaed the records of a Li Ping Chen Hudson, who had nothing to do with fundraising. And these subpoenas were for documents, Mr. Speaker, but these innocent citizens might just as easily have been called to be grilled before a rolling TV camera.

The protection provided in clause 3(f)(2) of rule XI is all that a witness can use to protect him or herself from such exploitation. Now even that small refuge is to be taken away, leaving witnesses at the mercy of an often hostile panel.

Mr. Chairman, when I was chairman of the Committee on Rules, I, too, heard from the frustrated chairmen who wanted to repeal this rule because an individual invoked their rights. They said the rule inhibits freedom of the press. I told them that the first amendment rights of the press and public's right to know are in no way diminished by the rule in its present form.

The print and broadcast press are not excluded from a hearing, and nothing in the rule prevents any reporter from fully covering the hearing. But American citizens do have a right to privacy, which includes a right to avoid the limelight of a camera, and when Congress compels an individual to testify, he or she should have the absolute right to demand that the cameras be turned off.

Mr. Speaker, I deeply regret that we are moving in this direction today. I can only implore you and the majority not to strip away this vital protection from those witnesses who are mandated to testify by order of congressional subpoena.

Just the other day in this Chamber, we passed a measure to reform the Internal Revenue Service by a vote of 425 to 4. The legislation was so widely approved because of stories of the IRS as an overzealous tax collector treating American citizens with suspicion, making the average citizen prove his innocence, intimidating Americans.

Let us not allow the reputation of this institution to be besmirched by the image of rude, arrogant, browbeating Members attacking poor, innocent Americans called to appear before the committee against their will. Please, Mr. Speaker, do not strip away this very, very small protection. Mark my word, Mr. Speaker, we will come to regret this day if we pass this rule.

Finally, I must remind my colleagues, if they repeal this rule, only Members of Congress will be shielded from the cameras when their reputations are at stake in a congressional investigation. That is not right.

Mr. Speaker, as my friend, the gentleman from Florida [Mr. GOSS], said, this is the people's House. This is the people's House. Let us protect the people's rights. So I urge my colleagues to defeat this rule.

Ordinary Americans should have the same protections that Members of Congress have.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, might I inquire what the time counts are?

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from Florida [Mr. GOSS] has 22 minutes remaining. The gentleman from Massachusetts [Mr. MOAKLEY] has 21 minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I pause to let the smoke screen clear for just a moment so we can see what is really at stake here, Mr. Speaker, and I suppose, just as importantly, what this proposed rule change is not about.

This rule change, despite the smoke screen thrown up by its opponents, is not about somebody who may have committed suicide two generations ago, as tragic as I am sure that is. This is not, Mr. Speaker, about an effort to shield Members of Congress. It is not a question about taking anybody's rights away.

As we let the smoke screen clear, Mr. Speaker, what we see is a very simple rule change that is at the heart of both common sense and the way that Congress operates and was envisaged to operate by our Founding Fathers. For one only has to look in Jefferson's Manual, Mr. Speaker, in the rules of this House, going back over 200 years, to see a common underpinning of openness in the proceedings of this great body. And it is only from time to time when there is perceived an overriding need to place limitation on that openness that that great principle envisaged by our Founding Fathers of openness and public access to all that we do should be entertained.

The rule before us today is very simple. It simply states that no subpoenaed witness can hold the Congress hostage and can prevent the American people from knowing what it is pursuant to the people's business that they are testifying about. That is all it does. It does not take away the majority right of a majority of any committee of this Congress for good and sufficient reasons, including if they believe that the rights of a witness require privacy, that the broadcasting, the photographing, the recording must be turned off.

Congress and individuals before this Congress continue to retain that possibility, that right. This rule simply says

that a witness who comes forward under subpoena cannot for their own reasons hide behind the cloak of secrecy and not let the American people know why it is they are before the Congress and what they are testifying about. It takes away that hammer that they can hold over the openness that we otherwise enshrine in those proceedings.

□ 1915

It is very interesting, Mr. Speaker, that the gentleman from California [Mr. LANTOS], a very learned and senior Member of the other side, took to the floor in September and October 1989 when he happened to be in the majority and argued, apparently very eloquently, that the very rule which we are simply moving tonight to amend and open up does not serve the interests of the American people, nor, and I quote the gentleman from California, is the rule required as a protection to any witness, close quote. He says that he, quote, fully disagrees with this rule because, and I further quote Mr. LANTOS, I believe the American people are entitled to open government.

Mr. Speaker, the gentleman from California [Mr. LANTOS] was right then and he is right now. It is openness that is at the heart of our business here in this Congress. We provide fully to protect the interests of each and every witness, subject only to the vagaries of members of the committee. I urge very strongly that this arcane, outdated, unnecessary, and arbitrary rule which closes off certain avenues of reporting of what is going on and not others be adopted in favor of openness and the public's right to know.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

The last speaker is correct. The gentleman from California [Mr. LANTOS] did argue for this. I was chairman of the Committee on Rules when he came before me to ask that this rule be changed. I did not think it should be changed then when I was chairman, and I do not think it should be changed now when I am not chairman. I do not think it is a political matter. It really does deprive the witnesses going before that committee of probably the only right they have.

Mr. Speaker, I yield 7 minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, because of the nature of this rule that is before the House, I would request of my friends that control the time on the Republican side that they allow at this time my questioning the presence of a quorum and that we have a quorum call of the House, so that all the Members of the House can take part and listen to the debate we are having.

Mr. SOLOMON. If the gentleman will yield, both cloakrooms have notified the Members, and I am sure they are watching if they are not here. They have been duly notified. I would be glad to notify ours again if the gentleman would like to do the same.

Mr. KANJORSKI. At 7:17 when I am about to speak, let the record show that there are less than 20 Members of Congress on either side of the aisle present in the Chamber.

Mr. Speaker, I am on the Democratic side, but I do not stand today as a Democrat. I stand today first and foremost as an American and secondly as a Member of one of the finest institutions I have ever had the opportunity to be a part of, the House of Representatives of the United States.

I come here with a heavy heart, because I have a tradition in this House that goes back to 1953. I am probably the only Member of this House that participated in the McCarthy hearings in the Senate and many of the un-American activity hearings of the House of Representatives in that period of time. I am here because many of my friends are on both sides of the aisle, and I think about this issue as an institutional issue. We are about to close the opportunity to protect or allow for the protection of privacy and individual rights of private citizens, one of the few interferences that I can imagine and one of the few protections that private citizens have had for the last 50 years before this House.

We know that in 1952, a request for noncoverage by television and radio was made and then-Speaker Sam Rayburn granted that permission. That was carried through the tradition of Joseph Martin as Speaker of this House in the 83d Congress; it was carried through into 1955 when another request was made and Sam Rayburn granted that request, that television and radio be turned off, and in every other respect a record and public appearance was had by that witness.

In 1957, because of that same question, of carrying open television and radio of a witness, there was actually one individual from California, a cancer researcher, that instead of being televised, took his life, because as he wrote in his note, he had a fierce resentment of being televised and he felt that he preferred death over being assassinated by publicity.

As a result of that act and the common rules of the House maintained by the precedents of Sam Rayburn, we folded into the reorganization rules of the House in 1970 a permanent right that an average American citizen, called upon to testify by a committee of this Congress involuntarily, through subpoena, would have the right to protect their privacy by not being displayed on tens of millions or hundreds of millions of television sets and heard on the airwaves the world over; that if they felt that their individual liberties would be impacted that way, they should have a right to assert a right not to be televised and not to be heard on radio.

Today, the Congress is about to strip that right away, even though I understand that in some instances it has been used and abused. I think an official of the United States Government should never have the right to assert this. I suggested to the chairman of the Committee on Rules that an amendment be in order that the person would have the right to assert the right of privacy and not be televised, but that two-thirds of the members of any investigating committee could overrule that right, and in any instance where a Cabinet officer, an official of this government were called, I would have been one of those two-thirds that would override that right.

But instead, by carte blanche, we are going to change the rule and say an individual involuntarily called to testify before this Congress, regardless of the significance or insignificance of their testimony, is going to have their privacy invaded to the extent that their picture and voice can travel the world over, when on the other hand, and I cited some of my friends on the other side, absolute hunting licenses for irresponsible Members of this body now and in the future, who can make any statement of fact in the presentation of their question and slander or libel that American citizen, who will have no recourse in law because we as Members of Congress are cloaked with absolute immunity in the actions on this House floor or in the committee. I think that unfairness is unforgivable and it is dastardly.

I will make the point, we are coming very close in this House to tyranny by the majority. Mr. Speaker, the Constitution of the United States and the laws of this land have not been written for the protection of the majority. They have their protection in a system of government such as ours. The Constitution and laws of this land are put into place to protect the minority. Sometimes that minority is just one individual who does not want to surrender his family, himself, his reputation to degradation from irresponsible statements or irresponsible publicity.

Before any Member on the Republican side or the Democratic side casts their vote, just remember that this is really an issue of individual rights in this country. We have life, liberty and the pursuit of happiness. We have already had one life taken because of this fear. The liberty now is at risk of a private citizen who just for any number of reasons, good or bad, may not want to subject his family or himself to the insult or the embarrassment of going public with any story. He may not want to be subjected or libeled in public by an irresponsible Member of Congress, or slandered. And we are going to do away with that right and give no recourse to our private citizens.

I think it is a sad day in the Congress of the United States when we, with all the might and power of the subpoena and all the might and power that is placed in us by our fellow citizens in the Constitution, feel that we must arm ourselves against the lowest of low individual, the single individual who may want to protect his right to privacy.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado, Mr. DAN SCHAEFER.

(By unanimous consent, Mr. DAN SCHAEFER of Colorado was allowed to speak out of order.)

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1173

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 1173.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

Mr. HYDE. I thank the gentleman for yielding me this time.

Mr. Speaker, a democracy depends on an informed electorate. If the information about how the government is being run or what the truth is about controversial issues is withheld from the public, from the people who are the ultimate governors in this representative democracy, we have a flawed democracy.

When we only permit the print media to cover hearings, to cover important testimony, we are depending then on the news as filtered through the bias, the space limitations, the concerns of the journalist to get the information. We deprive the public of the immediacy, the graphic, unvarnished, spin-free version of the truth by not letting them see with their own eyes. The Lucky Luciano rule is what this is, back in the old days when the big boys did not want their pictures on television, so they took pictures of their hands, as I recall, in the Kefauver committee.

But it just seems to me we have here a classic conflict of rights. One right is the right to privacy and the other is the right of the people to know. And in that conflict, they both cannot prevail. In my judgment, the right of the people to know is absolutely indispensable.

Yes, you can be abused. Yes, you can be slandered. You can be slandered in the print media, you can be slandered in conversations and certainly in campaigns. It seems to be the vogue. But I would hope in a committee made up of Democrats and Republicans, somebody would have the courage to defend the witness if somebody is being abusive.

I have seen Members of Congress be abusive to people. I have also seen them shut up and be told they are liars and give as good as they get and get as good as they give. I know if the gentleman from Massachusetts [Mr. MOAKLEY] were present or the gentleman from Pennsylvania [Mr. KANJORSKI] were present in a hearing and a witness was being abused, they would not stand for it, and the abuser would not come out unscathed.

This is not an easy question. This is a tough question. We have a conflict of rights, a conflict of interest. But it seems to me the paramount right is for the public to know, and they should not have to rely on the narrow availability, the judgment, the taste, the writing ability of print journalists. Not everybody can see those papers, not everybody reads the paper every day. But you put the good old C-SPAN on and you know what is going on. That is an advantage for democracy.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

This bill does not deprive the press in the room. Cameramen can be in the room, television men can be in the room. They just cannot use their devices. But they can reduce to writing what they hear. They can get pictures of the person going into the committee and coming out of the committee. The public's right to know is not stifled one iota here.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. I thank the gentleman for yielding me this time.

Mr. Speaker, I oppose this resolution because I believe it is necessary to give witnesses the right to protect their reputation by preventing TV cameras and print photographers from a hearing. I do so because of a hearing that took place last week which really magnified the irresponsibility and the improperness of the majority's conduct that the gentleman from Illinois [Mr. HYDE] just spoke of in structuring their oversight investigations.

The problem is not necessarily the rule but how are we going to apply it in our job as Members of the U.S. Congress. Every day the majority party wants new investigations. Every day we have more and more calls for investigations. What do you have when you have political people doing political investigations? You get more politics. We do not get to the truth of the matter but rather we get more and more politics. That is what investigation and oversight has been used for in this Congress with the new majority party.

I am a former law enforcement officer. I was trained to assure that the accused of a crime, that their behavior was based on facts that could prove the guilt or innocence of an individual. Unfortunately, the majority's standards are much lower than that of law enforcement, because the majority, and especially the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce, held a hearing, and there were leaks before we had the hearing and they promised with the leaks, to get the media there, that there would be a smoking gun that would have the fingerprints of the Vice President on it.

□ 1930

That was to get everybody to show up, and, lo and behold, we go up to the hearing, and we have a memo from the majority counsel once again saying we are having a hearing, that, quote, and I am going to quote from the memo by the majority party, there is no smoking gun which opens us up to partisan criticism for engaging in a witch hunt.

And that is exactly what they did. They said in the same memo that, we are going to make people come and testify under oath because, quote, it forces key players to deny allegations of misconduct under oath, and, I will quote again, it generates an enormous press opportunity for us, end of quote.

Mr. Speaker, 40 years ago, the same kind of tactics took place by a Senator from Wisconsin. He made a mockery of the congressional investigations and of Congress itself, just like we had last week after 21 hours of testimony, not one scintilla, not one scant of evidence of any wrongdoing, but these people were drawn before the TV cameras for 21 hours to deny their innocence.

The rule prohibiting the filming of testimony without the witness' consent was adopted in response to what happened 40 years ago. It should continue today because the same abuses occur by the majority party.

Mr. Speaker, we should not be holding hearings so that witnesses are forced to deny their innocence and for a press opportunity. I urge my colleagues to oppose this resolution and stand up for a fair investigatory process.

Mr. GOSS. Mr. Speaker, I yield to the gentleman from Alabama [Mr. CALLAHAN], the distinguished subcommittee chairman of the Committee on Appropriations.

CONFERENCE REPORT ON H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. CALLAHAN submitted the following conference report and statement on the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105-401)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2159) "making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, 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, 1998, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $683,000,000 to remain available until September 30, 2001: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until 2013 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1998 and 1999: Provided further, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $48,614,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1998.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $32,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $60,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1998 and 1999: Provided further, That such sums shall remain available through fiscal year 2006 for the disbursement of direct and guaranteed loans obligated in fiscal year 1998, and through fiscal year 2007 for the disbursement of direct and guaranteed loans obligated in fiscal year 1999: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $41,500,000, to remain available until September 30, 1999: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 1999, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1998, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $650,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; (7) up to $98,000,000 for basic education programs for children; and (8) a contribution on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of the Foreign Assistance Act of 1961.

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,210,000,000, to remain available until September 30, 1999: Provided, That of the amount appropriated under this heading, up to $22,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that Agency: Provided further, That of the amount appropriated under this heading, up to $14,000,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated

under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, not to exceed $2,500,000 shall be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That none of the funds made available under this heading may be used for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES).

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98–473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $5,000,000 shall be made available to support activities in Burma, along the Burma-Thailand border, and for activities of Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CAMBODIA

None of the funds appropriated in this Act may be made available for the Government of Cambodia: Provided, That the restrictions under this heading shall not apply to humanitarian, demining or election-related programs or activities: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That 30 days after enactment of this Act, the President shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $190,000,000, to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961; of modifying concessional loans extended to least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended; and of modifying any obligation, or portion of such obligation for Latin American countries to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501); $27,000,000, to remain available until expended: Provided, That not to exceed $1,500,000 of such funds may be used for implementation of improvements in the foreign credit reporting system of the United States government.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 1999.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, including the cost of guaranteed loans designed to promote the urban and environmental policies and objectives of part I of such Act, $3,000,000, to remain available until September 30, 1999: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $6,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Central and Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,208,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $473,000,000: Provided, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $29,047,000, to remain available until September 30, 1999, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,400,000,000, to remain available until September 30, 1999: Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for Jordan: Provided further, That of the funds made available under this heading in previous Acts making appropriations for foreign operations, export financing, and related programs, notwithstanding any provision in any such heading in such previous Acts, up to $116,000,000 may be allocated or made available for programs and activities under this heading including the Middle East Peace and Stability Fund: Provided further, That in carrying out the previous proviso, the President should seek to ensure to the extent feasible that not more than 1 percent of the amount specified in section 586 of this Act should be derived from funds that would otherwise be made available for any single country: Provided further, That funds provided for the Middle East Peace and Stability Fund by a country in the region under the

authority of section 635(d) of the Foreign Assistance Act of 1961, and funds made available for Jordan following the date of enactment of this Act from previous Acts making appropriations for foreign operations, export financing, and related programs, shall count toward meeting the earmark contained in the fourth proviso under this heading: Provided further, That up to $10,000,000 of funds under this heading in previous foreign operations, export financing, and related programs appropriations Acts that were reprogrammed for Jordan during fiscal year 1997 shall also count toward such earmark: Provided further, That, in order to facilitate the implementation of the fourth proviso under this heading, the requirement of section 515 of this Act or any similar provision of law shall not apply to the making available of funds appropriated for a fiscal year for programs, projects, or activities that were justified for another fiscal year: Provided further, That for fiscal year 1998 such portions of the notification required under section 653 of the Foreign Assistance Act of 1961 that relate to the Middle East may be submitted to the Congress as soon as practicable, but no later than March 1, 1998: Provided further, That during fiscal year 1998, of the local currencies generated from funds made available under this heading for Guatemala by this Act and prior Appropriations Acts, the United States and Guatemala may jointly program the Guatemala quetzales equivalent of a total of up to $10,000,000 for the purpose of retiring the debt owed by universities in Guatemala to the Inter-American Development Bank.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 1999.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $485,000,000, to remain available until September 30, 1999, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 532 of this Act shall apply.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

(g) Not to exceed $200,000,000 of the funds appropriated under this heading may be made available for Bosnia and Herzegovina exclusive of assistance for police training.

(h) Not to exceed $7,000,000 of the funds made available for Bosnia and Herzegovina may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees for said country.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $770,000,000, to remain available until September 30, 1999: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be made available to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment;

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures; and

(3) funds may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(c) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian and refugee relief.

(d) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining, or nonproliferation programs.

(e) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(f) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(g) Funds appropriated under title II of this Act, including funds appropriated under this heading, may be made available for assistance for Mongolia: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under this heading or in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(i) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(j)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of Russia, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Notwithstanding paragraph (1) assistance may be provided for the Government of Russia if the President determines and certifies to the Committees on Appropriations that making such funds available (A) is vital to the national security interest of the United States, and (B) that the Government of Russia is taking meaningful steps to limit major supply contracts and to curtail the transfer of technology and technological expertise related to activities referred to in paragraph (1).

(k) Of the funds appropriated under this heading, not less than $225,000,000 shall be made available for Ukraine, which sum shall be provided with the understanding that Ukraine will undertake significant economic reforms which are additional to those which were undertaken

in the previous fiscal year: Provided, That 50 percent of the amount made available in this subsection, exclusive of funds made available for election related initiatives and nuclear reactor safety activities, shall be withheld from obligation and expenditure until the Secretary of State determines and certifies no later than April 30, 1998, that the Government of Ukraine has made significant progress toward resolving complaints made by United States investors to the United States embassy prior to April 30, 1997: Provided further, That funds made available under this subsection, and funds appropriated for Ukraine in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 as contained in Public Law 104–208 shall be made available to complete the preparation of safety analysis reports at each nuclear reactor in Ukraine over the next three years.

(l) Of the funds appropriated under this heading, not less than $250,000,000 shall be made available for assistance for the Southern Caucasus region: Provided, That of the funds provided under this subsection 37 percent shall be made available for Georgia and 35 percent shall be made available for Armenia: Provided further, That of the funds made available for the Southern Caucasus region, 28 percent should be used for reconstruction and remedial activities relating to the consequences of conflicts within the region, especially those in the vicinity of Abkhazia and Nagorno-Karabakh: Provided further, That if the Secretary of State after May 30, 1998, determines and reports to the relevant Committees of Congress that the full amount of reconstruction and remedial funds that may be made available under the previous proviso cannot be effectively utilized, up to 62.5 percent of the amount provided under the previous proviso for reconstruction and remediation may be used for other purposes under this heading.

(m) Funds provided under the previous subsection shall be made available for humanitarian assistance for refugees, displaced persons, and needy civilians affected by the conflicts in the Southern Caucasus region, including those in the vicinity of Abkhazia and Nagorno-Karabakh, notwithstanding any other provision of this or any other Act.

(n) Funds made available under this Act or any other Act may not be provided for assistance to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh: Provided, That the restriction of this subsection and section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421); and

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity.

(o) None of the funds appropriated under this heading or in prior appropriations legislation may be made available to establish a joint public-private entity or organization engaged in the management of activities or projects supported by the Defense Enterprise Fund.

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $222,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1999.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $215,000,000: Provided, That during fiscal year 1998, the Department of State may also use the authority of section 608 of the Act, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That not later than sixty days after the date of enactment of this Act, the Secretary of State in consultation with the Director of the Office of National Drug Control Policy shall submit a report to the Committees on Appropriations containing: (1) a list of all countries in which the United States carries out international counter-narcotics activities; (2) the number, mission and agency affiliation of United States personnel assigned to each such country; and (3) all costs and expenses obligated for each program, project or activity by each United States agency in each country: Provided further, That of the amount made available under this heading not to exceed $5,000,000 shall be allocated to operate the Western Hemisphere International Law Enforcement Academy: Provided further, That 10 percent of the funds appropriated under this heading shall not be available for obligation until the Secretary of State submits a report to the Committees on Appropriations providing a financial plan for the funds appropriated under this heading and under the heading "Narcotics Interdiction".

NARCOTICS INTERDICTION

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $15,000,000, to remain available until expended, in addition to amounts otherwise available for such purposes, which shall be available for assistance, including procurement, for support of air drug interdiction and eradication and other related purposes: Provided, That funds appropriated under this heading shall be made available subject to the regular notification procedures of the Committee on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $650,000,000: Provided, That not more than $12,000,000 shall be available for administrative expenses: Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

REFUGEE RESETTLEMENT ASSISTANCE

For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $5,000,000.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $133,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO): Provided, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That not to exceed $30,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: Provided further, That such funds may be obligated to KEDO only if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that: (1)(A) the parties to the Agreed Framework are taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with the other provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors and that such canning and safe storage is scheduled to be completed by April 1, 1998; and (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended: Provided further, That the President may waive the certification requirements of the

preceding proviso if the President determines that it is vital to the national security interests of the United States: Provided further, That no funds may be obligated for KEDO until thirty calendar days after submission to Congress of the waiver permitted under the preceding proviso: Provided further, That the obligation of any funds for KEDO shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of the Korean Peninsula Energy Development Organization, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities: Provided further, That of the funds made available under this heading, up to $10,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO), in addition to funds otherwise made available under this heading for KEDO, if the Secretary of State certifies and reports to the Committees on Appropriations that, except for the funds made available under this proviso, funds sufficient to cover all outstanding debts owed by KEDO for heavy fuel oil have been provided to KEDO by donors other than the United States.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading may be made available to support grant financed military education and training at the School of the Americas unless: (1) the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel; (2) the Secretary of Defense certifies that the Secretary of State, in consultation with the Secretary of Defense, has developed and issued specific guidelines governing the selection and screening of candidates for instruction at the School of the Americas; and (3) the Secretary of Defense submits to the Committees on Appropriations a report detailing the training activities of the School of the Americas and a general assessment regarding the performance of its graduates during 1996.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,296,550,000: Provided, That of the funds appropriated under this heading, not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 shall be available for assistance for Jordan: Provided further, That during fiscal year 1998 the President is authorized to, and shall, direct drawdowns of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $25,000,000 under the authority of this proviso for Jordan for the purposes of part II of the Foreign Assistance Act of 1961, and any amount so directed shall count toward meeting the earmark in the previous proviso: Provided further, That section 506(c) of the Foreign Assistance Act of 1961 shall apply, and section 632(d) of the Foreign Assistance Act of 1961 shall not apply, to any such drawdown: Provided further, That of the funds appropriated by this paragraph, a total of $18,300,000 should be available for assistance for Estonia, Latvia, and Lithuania: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That $50,000,000 of the funds appropriated or otherwise made available under this heading should be made available for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $60,000,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $657,000,000: Provided further, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: Provided further, That funds appropriated under this paragraph shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $105,000,000 only for Greece and $150,000,000 only for Turkey.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $23,250,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That none of the funds under this heading shall be available for Guatemala: Provided further, That not more than $350,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1998 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $77,500,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $47,500,000, to remain available until September 30, 1999.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,034,503,100, to remain available until expended, of which $234,503,100 shall be available

to pay for the tenth replenishment: Provided, That none of the funds may be obligated or made available until the Secretary of the Treasury certifies to the Committees on Appropriations that procurement restrictions applicable to United States firms under the terms of the Interim Trust Fund have been lifted from all funds which Interim Trust Fund donors proposed to set aside for review of procurement restrictions at the conclusion of the February 1997 IDA Deputies Meeting in Paris.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667, and for the United States share of the increase in the resources of the Fund for Special Operations, $20,835,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $30,000,000 to remain available until expended, which shall be available for contributions previously due.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $150,000,000, of which $50,000,000 shall be available for contributions previously due, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $45,000,000, to remain available until expended and which shall be available for contributions previously due.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $56,500,000, to remain available until expended of which $250,000 shall be available for contributions previously due: Provided, That none of the funds appropriated under this heading that are made available for the Community Adjustment and Investment Program shall be used for purposes other than those set out in the binational agreement establishing the Bank: Provided further, That of the amount appropriated under this heading, not more than $41,250,000 may be expended for the purchase of such capital shares in fiscal year 1998.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not to exceed $318,750,000.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $192,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $25,000,000 of the funds appropriated under this heading may be made available to UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1998, and that no later than February 15, 1998, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1998: Provided further, That any amount UNFPA plans to spend in the People's Republic of China in 1998 shall be deducted from the amount of funds provided to UNFPA after March 1, 1998, pursuant to the previous provisos: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA): Provided further, That not less than $4,000,000 should be made available to the World Food Program.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, as amended, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Antiterrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination

of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1998, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1998.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua and Liberia, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Disease Programs Fund", "Development Assistance", "International organizations and programs", "Trade and Development Agency", "International narcotics control", "Narcotics Interdiction", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, anti-terrorism, demining and related programs", "Foreign Military Financing Program", "International military education and training", "Peace Corps", "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: Provided, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1999.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

REPORTING REQUIREMENT

SEC. 519. Section 25 of the Arms Export Control Act is amended—

(1) in subsection (a), by striking "Congress" and inserting in lieu thereof "appropriate congressional committees";

(2) in subsection (b), by striking "the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives" and inserting in lieu thereof "any of the congressional committees described in subsection (e)"; and

(3) by adding the following subsection:

"(e) As used in this section, the term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.".

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, Haiti, Liberia, Pakistan, Panama, Peru, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, basic education, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival, and basic education activities, and activities relating to research on, and the treatment and control of acquired immune deficiency syndrome in developing countries: Provided, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1997" and inserting in lieu thereof "1998".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 530. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part

II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 535. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

EXTENSION OF AUTHORITY TO OBLIGATE FUNDS TO CLOSE THE SPECIAL DEFENSE ACQUISITION FUND

SEC. 536. Title III of Public Law 103–306 is amended under the heading "Special Defense Acquisition Fund" by striking "1998" and inserting "2000".

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 537. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 538. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 539. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia and Herzegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 540. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing; and

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 541. (a) Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a) for Bolivia, Colombia, and Peru may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 542. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 and 11 of part I, and chapter 4 of part II, of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1998, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 543. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 544. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 545. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: Provided, That not to exceed $500,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 546. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the Sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 547. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 548. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 549. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 550. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance.

Any such report shall include a detailed explanation of the assistance estimated to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 551. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

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

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 552. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 553. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $25,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That sixty days after the date of enactment of this Act, and every one hundred eighty days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

LANDMINES

SEC. 554. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That not later than 90 days after the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit a report to the Committees on Appropriations describing potential alternative technologies or tactics and a plan for the development of such alternatives to protect anti-tank mines from tampering in a manner consistent with the "Convention on the Prohibition, Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction".

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 555. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 556. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

EQUITABLE ALLOCATION OF FUNDS

SEC. 557. Not more than 18 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 558. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act;

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 559. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation

would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 560. (a) AUTHORIZATIONS.—The Secretary of the Treasury may, to fulfill commitments of the United States: (1) effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) $285,772,500 for paid-in capital, and $984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) $1,600,000,000 for the International Development Association; (3) $400,000,000 for the Asian Development Fund; and (4) $76,832,001 for paid-in capital, and $4,511,156,729 for callable capital of the Inter-American Development Bank in connection with the eighth general increase in the resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.

(b) CONSIDERATION OF ENVIRONMENTAL IMPACT OF INTERNATIONAL FINANCE CORPORATION LOANS.—Section 1307 of the International Financial Institutions Act (Public Law 95–118) is amended as follows:

(1) in subsection (a)(1)(A) strike "borrowing country" and insert in lieu thereof "borrower";

(2) in subsection (a)(2)(A) strike "country"; and

(3) at the end of Section 1307, add a new subsection as follows:

"(g) For purposes of this section, the term 'multilateral development bank' means any of the institutions named in Section 1303(b) of this Act, and the International Finance Corporation.".

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to use the voice and vote of the United States to strongly encourage their respective institutions to—

(1) provide timely public information on procurement opportunities available to United States suppliers, with a special emphasis on small business; and

(2) systematically consult with local communities on the potential impact of loans as part of the normal lending process, and expand the participation of affected peoples and nongovernmental organizations in decisions on the selection, design and implementation of policies and projects.

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

SEC. 561. (a) BILATERAL ASSISTANCE.—The President is authorized to withhold funds appropriated by this Act under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which knowingly grants sanctuary to persons in its territory for the purpose of evading prosecution, where such persons—

(1) have been indicted by the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law; or

(2) have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government; or

(D) any government which was an ally of the Nazi government of Germany.

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 562. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Haiti unless the President reports to Congress that the Government of Haiti—

(1) is conducting thorough investigations of extrajudicial and political killings;

(2) is cooperating with United States authorities in the investigations of political and extrajudicial killings;

(3) has substantially completed privatization of (or placed under long-term private management or concession) at least three major public enterprises; and

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights.

(b) EXCEPTIONS.—The limitation in subsection (a) does not apply to the provision of humanitarian, electoral, counter-narcotics, or law enforcement assistance.

(c) WAIVER.—The President may waive the requirements of this section on a semiannual basis if the President determines and certifies to the appropriate committees of Congress that such waiver is in the national interest of the United States.

(d) PARASTATALS DEFINED.—As used in this section, the term "parastatal" means a government-owned enterprise.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 563. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1997.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 564. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

ASSISTANCE TO TURKEY

SEC. 565. (a) Not more than $40,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available for Turkey.

(b) Of the funds made available under the heading "Economic Support Fund" for Turkey, not less than fifty percent of these funds shall be made available for the purpose of supporting private nongovernmental organizations engaged in strengthening democratic institutions in Turkey, providing economic assistance for individuals and communities affected by civil unrest, and supporting and promoting peaceful solutions and economic development which will contribute to the settlement of regional problems in Turkey.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 566. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF CROATIA

SEC. 567. None of the funds appropriated or otherwise made available by title II of this Act may be made available to the Government of Croatia to relocate the remains of Croatian Ustashe soldiers, at the site of the World War II concentration camp at Jasenovac, Croatia.

BURMA LABOR REPORT

SEC. 568. Not later than one hundred twenty days after enactment of this Act, the Secretary of Labor in consultation with the Secretary of State shall provide to the Committees on Appropriations a report addressing labor practices in Burma.

HAITI

SEC. 569. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 570. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice so funds to the unit may be resumed.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 571. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the United States expects that the items will not be used in East Timor: Provided, That nothing in this section shall be construed to limit Indonesia's inherent right to legitimate national self-defense as recognized under the United Nations Charter and international law.

TRANSPARENCY OF BUDGETS

SEC. 572. Section 576(a)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104-208, is amended to read as follows:

"(1) does not have in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces and security forces;".

Section 576(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104-208, is amended to read as follows:

"(2) has not provided to the institution information about the audit process requested by the institution.".

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 573. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or canton described in subsection (d).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (d).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (d), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the U.S. position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or canton and a nonsanctioned contiguous country, entity, or canton, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or canton and if the portion of the project located in the sanctioned country, entity, or canton is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by U.S. armed forces that promote good relations between such forces and the officials and citizens of the areas in the U.S. SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement; or

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity.

(2) FURTHER LIMITATIONS.—Notwithstanding paragraph (1)—

(A) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or canton described in subsection (d), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(B) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or canton described in subsection (d) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(d) SANCTIONED COUNTRY, ENTITY, OR CANTON.—A sanctioned country, entity, or canton described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(e) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or canton upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (e)(1), the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(f) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or canton have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

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

(1) COUNTRY.—The term "country" means Bosnia-Herzegovina, Croatia, and Serbia-Montenegro (Federal Republic of Yugoslavia).

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina and the Republika Srpska.

(3) CANTON.—The term "canton" means the administrative units in Bosnia and Herzegovina.

(4) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(5) TRIBUNAL.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

(h) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this subsection, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefitting from any financial or technical assistance or grants provided to any country or entity described in subsection (d).

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

SEC. 574. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "and 1997" and inserting "1997, and 1998"; and

(B) in subsection (e), by striking "October 1, 1997" each place it appears and inserting "October 1, 1998"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 1997" and inserting "September 30, 1998".

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 575. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: "and $60,000,000 for fiscal year 1998".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES

SEC. 576. Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: ", including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.".

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT IMPLEMENT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 577. (a) None of the funds appropriated under this Act may be made available for the Government of the Russian Federation unless within 30 days of the date this section becomes effective the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

(b) This section shall become effective one hundred fifty days after the enactment of this Act.

U.S. POLICY REGARDING SUPPORT FOR COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

SEC. 578. (a) FINDINGS.—Congress makes the following findings:

(1) The ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political and economic ties between countries of the South Caucasus and Central Asia and the West will foster stability in the region.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asia will provide positive incentives for international private investment, increased trade, and other forms of commercial interactions with the rest of the world.

(5) The Caspian Sea Basin, overlapping the territory of the countries of the South Caucasus and Central Asia, contains proven oil and gas reserves that may exceed $4,000,000,000,000 in value.

(6) The region of the South Caucasus and Central Asia will produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence of the countries of the South Caucasus and Central Asia.

(b) GENERAL.—The policy of the United States in the countries of the South Caucasus and Central Asia should be—

(1) to promote sovereignty and independence with democratic government;

(2) to assist actively in the resolution of regional conflicts;

(3) to promote friendly relations and economic cooperation;

(4) to help promote market-oriented principles and practices;

(5) to assist in the development of infrastructure necessary for communications, transportation, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(6) to support United States business interests and investments in the region.

(c) DEFINITION.—In this section, the term "countries of the South Caucasus and Central Asia" means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

PAKISTAN

SEC. 579. (a) OPIC.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting ", or Pakistan" after "China".

(b) TRADE AND DEVELOPMENT.—It is the sense of Congress that the Director of the Trade and Development Agency should use funds made available to carry out the provisions of section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to promote United States exports to Pakistan.

REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS

SEC. 580. The President shall provide to the Congress a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international, for fiscal year 1997, planned obligations for such activities in fiscal year 1998, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than November 15, 1997.

AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING

SEC. 581. (a) IN GENERAL.—Section 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) by striking paragraphs (1) and (2)(A) and inserting the following:

"(1) INSURANCE AND FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234 (b) and (c), shall not exceed in the aggregate $29,000,000,000.";

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by amending paragraph (2) (as so redesignated) by striking "September 30, 1997" and inserting "September 30, 1999".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 235(a) of that Act (22 U.S.C. 2195(a)), as redesignated by subsection (a), is further amended by striking "(a) and (b)" and inserting "(a), (b), and (c)".

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 582. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act

shall be withheld from obligation and expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

(c) WAIVER.—Funds may be provided for a country without regard to subsection (a) if the President determines that to do so is in the national security interest of the United States.

WAR CRIMES PROSECUTION

SEC. 583. Section 2401 of title 18, United States Code (Public Law 104–192; the War Crimes Act of 1996) is amended as follows—

(1) in subsection (a), by striking "grave breach of the Geneva Conventions" and inserting "war crime";

(2) in subsection (b), by striking "breach" each place it appears and inserting "war crime"; and

(3) so that subsection (c) reads as follows:

"(c) DEFINITION.—As used in this section the term 'war crime' means any conduct—

"(1) defined as a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party;

"(2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907;

"(3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party and which deals with non-international armed conflict; or

"(4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians.".

INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAMS FOR LATIN AMERICA

SEC. 584. (a) EXPANDED IMET.—The Secretary of Defense, in consultation with the Secretary of State, should make every effort to ensure that approximately 30 percent of the funds appropriated in this Act for "International Military Education and Training" for the cost of Latin American participants in IMET programs will be disbursed for the purpose of supporting enrollment of such participants in expanded IMET courses.

(b) CIVILIAN PARTICIPATION.—The Secretary of State, in consultation with the Secretary of Defense, should identify sufficient numbers of qualified, non-military personnel from countries in Latin America so that approximately 25 percent of the total number of individuals from Latin American countries attending United States supported IMET programs and the Center for Hemispheric Defense Studies at the National Defense University are civilians.

(c) REPORT.—Not later than twelve months after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall report in writing to the appropriate committees of the Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next three fiscal years.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 585. None of the funds appropriated or otherwise made available by this Act may be provided to the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Congress that the central Government of the Democratic Republic of Congo is cooperating fully with investigators from the United Nations in accounting for human rights violations committed in the Democratic Republic of Congo or adjacent countries.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 586. Of the funds appropriated by this Act under the headings "Economic Support Fund", "Foreign Military Financing", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", not more than a total of $5,402,850,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: Provided, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of enactment of this Act obligated or allocated for other recipients may not during fiscal year 1998 be made available for activities that, if funded under this Act, would be required to count against this ceiling: Provided further, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

AGRICULTURE

SEC. 587. The first proviso of subsection (k) under the heading "Assistance for the New Independent States of the Former Soviet Union" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended by striking "not less than" and inserting in lieu thereof "up to".

ENTERPRISE FUND RESTRICTIONS

SEC. 588. Section 201(l) of the Support for East European Democracy Act (22 U.S.C. 5421(l)) is amended to read as follows:

"(l) LIMITATION ON PAYMENTS TO ENTERPRISE FUND PERSONNEL.—

"(1) No part of the funds of an Enterprise Fund shall inure to the benefit of any board member, officer, or employee of such Enterprise Fund, except as salary or reasonable compensation for services subject to paragraph (2).

"(2) An Enterprise Fund shall not pay compensation for services to—

"(A) any board member of the Enterprise Fund, except for services as a board member; or

"(B) any firm, association, or entity in which a board member of the Enterprise Fund serves as partner, director, officer, or employee.

"(3) Nothing in paragraph (2) shall preclude payment for services performed before the date of enactment of this subsection nor for arrangements approved by the grantor and notified in writing to the Committees on Appropriations.".

CAMBODIA

SEC. 589. The Secretary of the Treasury should instruct the United States Executive Directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 590. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1998 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

SEC. 591. For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees in support of the development objectives of the Foreign Assistance Act of 1961 (FAA), up to $7,500,000, which amount may be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and funds appropriated by this Act under the heading "Assistance for Eastern Europe and the Baltic States", to remain available until expended: Provided, That up to $500,000 of the funds appropriated by this Act under the heading "Operating Expenses of the Agency for International Development" may be made available for administrative expenses to carry out such programs: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to development credit authority) of the Foreign Assistance Act of 1961, as added by section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this paragraph: Provided further, That direct loans or loan guarantees under this paragraph may not be provided until the Director of the Office of Management and Budget has certified to the Committees on Appropriations that the Agency for International Development has established a credit management system capable of effectively managing the credit programs funded under this heading, including that such system: (1) can provide accurate and timely provision of loan and loan guarantee data; (2) contains information control systems for loan and loan guarantee data; (3) is adequately staffed; and (4) contains appropriate review and monitoring procedures.

AUTHORIZATION FOR POPULATION PLANNING

SEC. 592. (a) Not to exceed $385,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance.

(b) Such funds may be apportioned only on a monthly basis, and such monthly apportionments may not exceed 8.34 percent of the total available for such activities.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998".

And the Senate agree to the same.

SONNY CALLAHAN,
JOHN EDWARD PORTER,
RON PACKARD,
JOE KNOLLENBERG,
MIKE FORBES,
JACK KINGSTON,
R.P. FRELINGHUYSEN,
BOB LIVINGSTON,
NANCY PELOSI,
SIDNEY R. YATES,
NITA M. LOWEY,
ESTEBAN E. TORRES,
DAVID OBEY,
Managers on the Part of the House.
MITCH MCCONNELL,
ARLEN SPECTER,

JUDD GREGG,
RICHARD SHELBY,
R.F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
TED STEVENS,
THAD COCHRAN,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
FRANK R. LAUTENBERG,
TOM HARKIN,
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. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, 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:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES SUBSIDY APPROPRIATION

The conference agreement appropriates $683,000,000 for the subsidy appropriation of the Export-Import Bank instead of $632,000,000 as proposed by the House and $700,000,000 as proposed by the Senate. The appropriations are available for four years, and the level provided anticipates significant participation by the Eximbank in the Partnership for Freedom.

The conferees note that the Administration requested authority to transfer funds from "Assistance for the New Independent States of the Former Soviet Union" to this account, and that the Senate had provided transfer authority of up to $22,000,000 for that purpose. The conference agreement, instead, provides significant funding above the request for Eximbank, without reserving any specific amount for the New Independent States. The conferees expect that Eximbank will coordinate its activity in the region with the Special Advisor to the President and the Secretary of State on Assistance to the New Independent States.

Authority is provided as proposed by the Senate for up to $50,000,000 to be used for tied aid grants, and funds designated in this or prior Acts for tied aid grants may be used for other purposes, subject to notification.

A one year extension of the Export-Import Bank's basic authority is included in title V.

EXPORT-IMPORT BANK OF THE UNITED STATES ADMINISTRATIVE EXPENSES

The conference agreement appropriates $48,614,000 for administrative expenses of the Export-Import Bank as proposed by the House instead of $46,614,000 as proposed by the Senate.

OVERSEAS PRIVATE INVESTMENT CORPORATION PROGRAM ACCOUNT

The conference agreement appropriates $60,000,000 for program expenses of the Overseas Private Investment Corporation (OPIC) as proposed by the Senate. The House bill contained no provision on this matter.

The conference agreement also extends the authorization for OPIC for two years, in section 581, and allows the agency to combine its existing statutory ceilings on financing and insurance within an overall credit ceiling of $29,000,000,000 as proposed by the Senate.

The managers are concerned about the viability of projects supported by OPIC in Gaza, and direct OPIC to move expeditiously and report to the Committees no later than December 15, 1997 on its efforts to resolve claims and defaulted investments that the Executive branch encouraged to locate in Gaza.

TRADE AND DEVELOPMENT AGENCY

The conference agreement appropriates $41,500,000 for the Trade and Development Agency instead of $43,000,000 as proposed by the Senate and $40,000,000 as proposed by the House.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

The conference agreement appropriates $650,000,000 as proposed by the House. The Senate bill contained no provision on this matter. The managers agree with the House report language regarding the use of the funds appropriated under this heading, including $100,000,000 for a grant to UNICEF and $25,000,000 for polio eradication. The grant for UNICEF does not preclude AID from providing additional funding for specific UNICEF projects as may be applicable.

The managers also concur with House and Senate report language on infectious diseases. An increase of $50,000,000 is to be made available from funds under this heading to strengthen global surveillance and control of infectious diseases as proposed by the House instead of an increase of $30,000,000 as proposed by the Senate in bill language under "Development Assistance".

The total amount available for infectious diseases in fiscal year 1998 should be $207,000,000, consisting of $121,000,000 for HIV/AIDS, $50,000,000 for this new initiative, and the balance from funds to combat infectious diseases derived from sources other than funding for Child Survival activities.

In implementing programs, projects, and activities to combat infectious diseases, the conferees agree with the Senate report language and expect AID to consult closely with the Appropriations Committees, the National Institute of Allergy and Infectious Diseases of the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), and other relevant agencies involved in international health issues, including the World Health Organization (WHO).

The funding increase should be used for programs, projects, and activities for the prevention and control of such infectious diseases as tuberculosis, malaria, yellow fever, acute respiratory infections, and diseases that are resistant to antimicrobial drugs.

The conferees strongly encourage support for the Global Tuberculosis Initiative, which is to be coordinated by the World Health Organization (WHO) with support and input from the U.S. Centers for Disease Control and the Agency for International Development. Funds should be used in support of the initiative to provide assistance in Eastern Europe and Russia and other WHO identified "hot zones"—Mexico, Vietnam, the Philippines and Central America—for implementation of the Directly Observed Treatment Strategy (DOTS); as bridge funds to purchase fixed-dose combination anti-TB drugs; to strengthen monitoring and surveillance of tuberculosis and drug-resistant tuberculosis; to provide technical support to limit drug-resistant tuberculosis hot zones; and to enhance information dissemination, education, and research programs. In addition, the conferees support the plan for a regional tuberculosis control initiative proposed by the Gorgas Memorial Institute and recommend that $2,000,000 be made available for this activity in Latin America and Southeast Asia. Finally, the conferees urge AID to consult closely with any nongovernmental organizations (NGO's) with demonstrated expertise and long-standing experience in international tuberculosis control as funds in the area of TB control are obligated.

The conferees intend that a total of $121,000,000 shall be made available for both bilateral and multilateral HIV/AIDS prevention and control programs. The conferees recommend that funding through nongovernmental and private voluntary organizations operating at the community level be maximized, and that U.S. funding for UNAIDS be maintained. The conferees expect that the United States will continue to build upon its leadership role in combating this pandemic.

The conferees recommend that $98,000,000 be provided for basic education programs. The conferees support the use of basic education funds to address the educational needs of children who are in or have been subjected to situations of hazardous and exploitative labor.

The conferees support the Senate report language regarding the International Foundation for Education and Self-Help (IFESH).

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $1,210,000,000 for "Development Assistance" instead of $1,167,000,000 as proposed by the House and $1,358,093,020 as proposed by the Senate.

The conference agreement includes language from the Senate amendment which inserts authority to obligate funds pursuant to title V of the International Security and Development Cooperation Act of 1980 (African Development Foundation), and section 401 of the Foreign Assistance Act of 1969 (Inter-American Foundation) under this heading. The conference agreement provides authority apportioning directly up to $22,000,000 for the Inter-American Foundation and up to $14,000,000 for the African Development Foundation. The Senate provided allocations for these two foundations at levels of $20,000,000 and $11,500,000, respectively. The House bill had provided separate appropriations accounts for the foundations, together with authority to provide grants to the foundations under "Development Assistance".

The conferees support the House report language regarding the funding levels for Latin America and the Caribbean and for sub-Saharan Africa. The conferees also note that sub-Saharan Africa is undergoing major transitions that require creative and nontraditional approaches to dealing with fundamental development issues.

Institution-building and capacity-building are the most pressing problems that need to be addressed by AID programs in Africa. Therefore the conferees are concerned that large non-project assistance programs (NPA), such as the one currently being funded for Malawi (which has received nearly $700,000,000 in AID resources since 1962), could perpetuate aid dependencies. The conferees request that AID undertake a thorough review of such assistance programs to determine whether or not current AID strategies are consistent with building self-reliance, and to report to the Committees on Appropriations on the results of such review by March 1, 1998. In addition, the conferees request that AID include a summary of proposed NPA by country in the fiscal year 1999

budget request, including an indication for the reason such assistance is being proposed in lieu of assistance to build institutions and country-capacity and whether past NPA has resulted in higher economic growth and a decrease in development dependence.

The conferees concur with the House report language encouraging AID to utilize funds made available for nongovernmental organizations in southern and eastern Sudan outside government control to include capacity building activities in addition to traditional disaster relief programs.

The conferees agree with language in the House report that expresses concern over the decline in recent years of budgetary resources that have been made available for international agriculture development assistance. The decline of this important segment of U.S. assistance, together with the corresponding decline in the number of international agriculture experts at AID and the State Department, should be reversed. The conferees also strongly support funding for collaborative research support programs (CRSP's).

The conference agreement also includes language allowing not to exceed $2,500,000 to be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD). The Senate amendment contained similar language. The House bill contained no provision on this matter. The conferees note that IFAD has many years of experience in working with smallholder farmers, and in microenterprise development, to alleviate poverty and hunger among the rural poor. Many of AID's goals and program initiatives are similar to those of IFAD. The conferees encourage AID to examine how it could work more closely with IFAD.

The conferees direct that not less than $500,000 shall be made available for support of the United States Telecommunications Training Institute, in accordance with information received from the Agency for International Development. This organization provides valuable communications and broadcast training to professionals around the world. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The conference agreement does not contain Senate language requiring that not less than $15,000,000 shall be available only for the American Schools and Hospitals Abroad (ASHA) program. However, the managers direct the Agency for International Development to fully uphold its commitment to the Appropriations Committees to obligate at least $15,000,000 for the American Schools and Hospitals Abroad program in fiscal year 1998.

The conference agreement recommends $14,000,000 for AID's Office of Women in Development, and the managers encourage AID to undertake the institutional changes needed to expand support for women in development and to provide appropriate support for the Girls' and Womens' Education Initiative.

The conferees note the contribution of the Leahy War Victims Fund in assisting war victims in over a dozen countries since its inception in 1989. Recently, world attention has focused increasingly on the problem of landmines, and the need for additional funds for the care and rehabilitation, including social and economic reintegration, of landmine victims. Accordingly, the conferees recommend that up to $7,500,000 be made available for such activities.

The conference agreement also includes Senate language to allow not to exceed $25,000 for oversight of assistance programs for displaced and orphaned children and victims of war.

The conference agreement also deletes Senate language requiring that not less than 65 percent of the funds made available for family planning assistance shall be made available directly to the agency's central Office of Population. However, the managers strongly support AID's central population office, which plays a vital role in AID's efforts to stabilize global population growth rates.

The managers agree with the Senate report language on microenterprise regarding poverty lending programs, including the allocation of $135,000,000 for such purposes.

The managers strongly support the fertilizer-related research and development being conducted by the International Fertilizer Development Center (IFDC) and direct the Administrator of AID to make at least $3,000,000 available for the core grant to IFDC.

The conference agreement prohibits funds from being made available for any activity in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES).

The conferees recognize the importance of commercial law reform in the Caribbean as an essential part of future business development and increased trade between the United States and the region, and strongly support the business facilitation activities undertaken by the Caribbean Law Institute.

The conferees endorse the House report language on proposed cooperation between AID and the National Aeronautics and Space Administration, including the establishment of a collaboration with NASA's Global Hydrology and Climate Center.

The conferees recognize that the volunteers of the International Executive Service Corps (IESC) promote the long-term interests of the United States by creating new businesses, increasing employment, and raising living standards. Therefore the conferees strongly urge AID to provide IESC with grant funds at a level comparable with fiscal year 1997 to ensure the continued availability of their services worldwide, and an additional amount to enable the organization to renew activities in Latin America and the Caribbean.

The conferees support the scholarship programs known as the Cooperative Association States for Scholarships (CASS) and expect AID to continue funding for this program at the same level provided in fiscal year 1997.

The conferees also support the continuation of AID's programs in Yemen, which are helping that country make the transition to democracy.

POPULATION, DEVELOPMENT ASSISTANCE

The conference agreement deletes Senate language proposing a separate appropriations account of $435,000,000 for development assistance population activities. The funding for such activities is provided as part of the "Development Assistance" account in the conference agreement.

PRIVATE AND VOLUNTARY ORGANIZATIONS

The conference agreement includes language from the Senate amendment providing that funds appropriated under title II of this Act should be made available to private and voluntary organizations (PVO's) at a level which is at least equivalent to the level provided in fiscal year 1995. The House bill included similar language.

CYPRUS

The conference agreement includes Senate language providing that not less than $15,000,000 of the funds appropriated under "Development Assistance" and "Economic Support Fund" be made available for Cyprus, to be used only for scholarships, administrative support, bicommunal projects, and measures aimed at reunification of the island. The House bill contained no provision on this matter.

BURMA

The conference agreement includes a total of $5,000,000 from "Development Assistance" and "Economic Support Fund" to support democracy and humanitarian programs in Burma. Such funds may be made available notwithstanding any other provision of law and are subject to notification. The Senate amendment specified the uses for the funds and the funding source was limited to "Development Assistance". The House bill contained no provision on this matter.

The conferees have provided assistance to support activities designed to restore democracy in Burma and to provide humanitarian programs for Burmese exiles and refugees. The assistance has been provided to underscore U.S. support for Aung San Suu Kyi and her supporters.

The conferees note strong concern about the severe restrictions imposed on Aung San Suu Kyi. Although not under formal arrest, she is unable to move about freely and visitors must be approved by the State Law and Order Restoration Council. As a result, family, friends, associates, journalists and advocates for restoring her to office have been denied access. In addition, she has drawn public attention to the continuation of a campaign of violence, intimidation and terror being waged against her party members with the goal of destroying the democratic opposition.

The conferees expect that not less than $3,000,000 of the funds made available for Burma be provided to support democracy activities and $2,000,000 be provided to support humanitarian initiatives along Burma's borders. The conferees oppose any expenditure of funds in Burma.

GUATEMALA CLARIFICATION COMMISSION

The conference agreement does not include language from the Senate amendment providing that not less than $1,000,000 shall be made available to support the Guatemala Clarification Commission. The House bill did not address this matter.

The conferees support the provision of sufficient funds to enable the commission to complete its work, and urge the Department of State to closely monitor the commission's resource needs and to seek additional support from other donors.

CAMBODIA

The conference agreement includes language prohibiting funds for the Government of Cambodia, except for support for demining, humanitarian assistance, and elections. In addition, the conference agreement includes a provision similar to that in the Senate amendment requiring a report from the President on the results of the investigation of the Federal Bureau of Investigation into the bombing attack in Phnom Penh of March 20, 1997.

The House bill had two provisions on this matter; one would have prohibited funding directly to the Government of Cambodia, and one would have prohibited funding to the Government and funding through international financial institutions for Cambodia. The Senate amendment included a prohibition on funding for activities and programs in Cambodia except under certain conditions, and also made United States support

for loans through international financial institutions dependent on similar conditions.

Political violence in Cambodia reached a crisis point in July when forces loyal to Second Prime Minister Hun Sen seized control and ousted First Prime Minister Ranariddh from both the coalition government and the country. Subsequent to this takeover, Hun Sen forces engaged in a systematic campaign of summary executions, torture and kidnappings, much of which has been verified and documented in an August 21, 1997, United Nations Center for Human Rights report.

In response to these events, the Secretary of State announced a temporary suspension and review of U.S. assistance programs. The conferees believe that, in effect, Hun Sen gained power by a coup which would normally require the termination of U.S. assistance under section 508 of this Act.

To assure no assistance is provided to Hun Sen or his supporters, the conferees have prohibited most bilateral aid for the Government of Cambodia. The Secretary of the Treasury should instruct U.S. Executive Directors to international financial institutions to use the voice and vote of the United States in opposition to loans to Cambodia.

In restricting bilateral aid, the conferees have exempted demining, elections and humanitarian programs which directly benefit Cambodia's citizens. The conferees hope that Hun Sen's opponents will be allowed to return to Cambodia and safely participate in open, fair elections. The conferees expect the Committees on Appropriations to be notified prior to the initiation or renewal of any program in Cambodia.

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $190,000,000 for "International Disaster Assistance" as proposed by the House instead of $195,000,000 as proposed by the Senate.

The conferees support the House report language on activities in Kosova and assistance for internally displaced persons in Northern Iraq.

DEBT RESTRUCTURING

The conference agreement appropriates $27,000,000 as proposed by the House instead of $34,000,000 as proposed by the Senate.

The agreement includes language to allow modification of concessional loans made under section 411 of the Agricultural Trade Development and Assistance Act of 1954, the Commodity Credit Corporation Charter Act, the Food for Peace Act of 1966, or the Agricultural Trade Act of 1978, to Latin American countries which have completed Paris Club debt agreements. Debt relief for Jordan was completed in fiscal year 1997, and therefore language affecting Jordan in the House bill and Senate amendment has been deleted.

The conference agreement on legislative language follows the House in not retaining the proposed requirement for notifications for the obligations of funds from this account. In lieu of the House report language request for quarterly reports on obligations made from this account, the conferees request the following actions for debt restructuring activity in this account:

1. on the basis of final appropriations action, an annual notification should be provided at the beginning of the fiscal year listing expected poorest country debt reduction and buyback/swap activities for the upcoming fiscal year;

2. the Committees on Appropriations should be informed should action subsequently be anticipated for additional countries, or involve deeper relief;

3. signed bilateral agreements to implement bilateral agreements should be submitted to the Committees on Appropriations prior to the entry into force of such agreements; and

4. a final report should be provided at the end of the fiscal year listing Paris Club ad referendum agreements, signature and/or entry into force of bilateral debt reduction agreements, obligation of funds for poorest country debt reduction, and buyback/swap agreements concluded during the fiscal year.

The conference agreement also provides up to $1,500,000 for the Department of Treasury to improve the foreign credit reporting system of the U.S. Government.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

The conference agreement incorporates House language allowing for funds under this heading to be used for the cost of guaranteed loans designed to promote the urban and environmental policies and objectives of part I of the Foreign Assistance Act. The Senate amendment did not contain such language.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement appropriates $473,000,000 as proposed by the Senate instead of $468,750,000 as proposed by the House.

The conferees are very concerned about the lack of progress in the implementation of the New Management System (NMS) and request that AID regularly report to the Committees on Appropriations on the status of this program.

ECONOMIC SUPPORT FUND

The conference agreement appropriates $2,400,000,000 instead of $2,541,150,000 as proposed by the Senate and $2,375,000,000 as proposed by the House.

THE MIDDLE EAST

The conference agreement inserts language proposed by the Senate which earmarks $1,200,000,000 for Israel, $815,000,000 for Egypt and $150,000,000 for Jordan. The conference agreement also provides that aid to Egypt is provided with the understanding that Egypt will undertake significant economic reforms and that in providing aid to Egypt and Israel the President shall ensure the level of aid does not cause an adverse impact on the total level of non-military exports from the United States to each country.

The conference agreement inserts language proposed by the House which provides that of the funds made available in previous Acts making appropriations for foreign operations, export financing, and related programs, notwithstanding any provision of any similar heading in such previous Acts, up to $116,000,000 may be made available to support Economic Support Fund programs and activities, including the Middle East Peace and Stability Fund. The language also provides that the President should seek to ensure to the extent feasible that not more than 1 percent ($54,000,000) of the amount specified in section 586 shall be derived from any single country. The conference agreement further provides that any funds provided to the Middle East Peace and Stability Fund by a country in the region pursuant to the general authorities of section 635(d) of the Foreign Assistance Act of 1961, as well as funds made available for Jordan from previous Act, shall count toward meeting the earmark for Jordan. In addition, the conference agreement stipulates that up to $10,000,000 in fiscal year 1997 funds reprogrammed for Jordan shall also count toward the Jordan earmark in fiscal year 1998. The conference agreement also includes language modifying certain notification requirements in order to facilitate the implementation of the authorities provided under this heading and the requirements of section 586, "Assistance for the Middle East."

HAITI

The conference agreement strikes language proposed by the Senate earmarking not less than $500,000 for the Special Investigative Unit (SIU) of the Haiti National Police and providing that up to $250,000 may be made available to assist orphanages in Haiti. The managers expect not less than $500,000 be made available to the SIU and concur with the Senate that a professional SIU, fully supported by its Government, is essential to the rule of law in Haiti and that programs to assist Haitian children in orphanages should be continued under the current dire economic conditions in Haiti. No later than 45 days after enactment of this Act, the Secretary of State is requested to report to the Committees on the proposed fiscal year allocation for these programs in Haiti.

PALESTINIAN-ISRAELI COOPERATION

The conferees recommend that $500,000 be made available to support the Palestinian-Israeli Cooperation Program to promote better understanding and mutual respect between Israelis and Palestinians at a time when the Middle East Peace process is threatened by violence and terrorist acts.

IRAQ

The conferees note that the people of Iraq continue to suffer under the repressive rule of Saddam Hussein, despite efforts of the international community to provide humanitarian assistance to the truly needy in Iraq. In particular, the conferees are concerned that humanitarian assistance provided by private religious and charitable groups may not be reaching intended beneficiaries in Iraq. The conferees direct the Department of State to work with these groups to coordinate monitoring activities and to apply international pressure to make certain that innocent victims in Iraq are not denied humanitarian assistance provided by private charitable organizations.

TIMBER TRADE IN THAILAND AND CAMBODIA

The conferees remain very concerned by reports that despite efforts by the Administration and Thai officials to deter the export of timber from Cambodia through Thailand, this illegal trade continues and may be increasing due to recent political turmoil in Cambodia. Reports implicate Cambodian political and military officials, as well as Thai border guards in this profitable trade. Although the conferees have not repeated past conditions on assistance to Thailand, the conferees expect the Administration to use its influence with both the Thai and Cambodian authorities to produce concrete results in stemming this illegal trade.

GUATEMALA

Authority is provided to use local currency generated by AID programs, in Guatemala to prepay the debts owed by several universities to multilateral development banks. Full repayment of the debt was made for many years, until devaluation of the local currency made prompt repayment in hard currency extremely difficult. The affected institutions have made major contributions to the peace and reconciliation process in Guatemala, and the authority is provided in recognition of that fact. Similar authority was provided for El Salvador in 1992.

SOUTH PACIFIC REGIONAL FISHERIES TREATY

The conferees note that the South Pacific Regional Fisheries Treaty requires the

United States to contribute $14,000,000 annually to the South Pacific Island states and expect that this treaty obligation will be met.

INTERNATIONAL FUND FOR IRELAND

The conference agreement appropriates $19,600,000 for the "International Fund for Ireland" as proposed by the House. The Senate amendment did not contain a provision on this matter.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates $485,000,000 as proposed by the Senate instead of $470,000,000 as proposed by the House.

The conference agreement includes House language deleted by the Senate that prohibits funds from being used for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to efforts of United States troops to promote peace in said country. The agreement also includes language, similar to that contained in both the House bill and the Senate amendment, that authorizes the President to withhold funds made available for economic revitalization for Bosnia and Herzegovina if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina is not in compliance with the Dayton agreement regarding the removal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian and Bosnian officials has not been terminated.

The conference agreement retains language from the House limiting the assistance for Bosnia and Herzegovina to $200,000,000. However, this limitation excludes funds for police training and related expenses. The conference agreement includes up to $15,000,000 for this purpose. The conferees endorse the House report language encouraging the State Department to seek funds from other nations for police training activities in Bosnia, and expect that any proposal to provide more than $15,000,000 for police training and related expenses will be subject to notification.

The conference agreement also includes House language not in the Senate amendment to allow for up to $7,000,000 for modifying direct loans and loan guarantees for Bosnia and Herzegovina.

The conferees recognize that realtors in the United States have had success in working with the Eastern Europe Real Property Foundation. Building and privatizing real estate markets is still a priority in building a free and democratic economy. The conferees recommend funding at up to $2,000,000 over the next two years to continue to develop professional associations with ethics and laws that will lead to a private real estate market throughout Central Europe.

The conferees recommend that AID and the Department of State make best efforts to provide funding at the fiscal year 1996 level for the Russian, Eurasian, and East European Research and Training Program (title VIII), both in this account and in "Assistance for the New Independent States of the Former Soviet Union".

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

The conference agreement appropriates $770,000,000 instead of $625,000,000 as proposed by the House and $800,000,000 as proposed by the Senate. The conferees did not include Senate language that allowed for the transfer of up to $22,000,000 to the Export-Import Bank and up to $8,000,000 to the Micro and Small Enterprise Program of AID.

RUSSIA-IRAN

The conference agreement provides that fifty percent of the funds allocated for the Government of Russia shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with certain goods and services related to nuclear and ballistic missile programs in Iran. The managers also include a provision allowing the President to waive the provisions of the paragraph if he finds that continuing assistance to the Government of Russia is vital to the national security interests of the United States and that the Government of Russia is taking meaningful steps to limit major supply contracts and curtail the transfer of technology. The Senate had no similar waiver provision.

GAZPROM FINANCING

The managers understand that the Chairman of the Export Import Bank signed a memorandum of understanding with Gazprom in 1994 providing up to $750 million in guarantees of commercial loans for the purchase of American equipment and services to improve the efficiency and productivity of Russian oil and gas fields. Since implementation, the Bank has approved or has under consideration $338 million in financing.

In 1996, the Iran Libya Sanctions Act went into effect requiring the President to impose sanctions against companies which invest more than $20 million in the development of Iran's energy sector. The managers are concerned by reports that Gazprom has agreed to participate in a $2 billion project to develop Iranian energy fields. The managers strongly oppose the use of Bank financing to directly or indirectly support the development of Iranian gas and oil fields and urge the Board of the Bank to suspend all Gazprom transactions for a period of review to assure no funds are used for these purposes.

UKRAINE

The conference agreement earmarks $225,000,000 for Ukraine with the understanding that Ukraine will undertake significant economic reforms which are additional to those which were undertaken in previous years.

The conferees take note of important developments which have enhanced stability in Ukraine including the introduction of a new currency, passage of a Constitution and completion of a new NATO-Ukraine security agreement. The conferees take note of President Kuchma's recent initiatives to combat corruption, privatize state owned enterprises and replace senior officials opposed to serious reforms. While welcome, these efforts must be expanded and measured by immediate, concrete progress on legal, political and economic reforms. Reforms, especially in the agriculture sector, are essential if U.S. and multilateral assistance is to achieve meaningful results. Without them, it will be difficult for Ukraine to prosper and secure its political independence.

To encourage results, the conferees have withheld 50 percent of the funding for Ukraine until the Secretary of State is able to certify that specific cases involving U.S. companies have been resolved. The conferees have taken this action with the view that the private sector is key to Ukraine's economic growth. Resolution of these cases, as well as similar complaints by Ukrainian firms, and improvements in the legal system are necessary if Ukraine is to restore private sector confidence and attract investment capital.

With parliamentary elections scheduled in March 1998, the managers strongly support expanded political party training and election-related activities to encourage informed participation and an open, fair process. The conferees remain concerned that the current Rada has opposed many of President Kuchma's reform initiatives. The conferees note that the outcome of the elections could have a significant impact on the future assistance program as well as private sector investment.

The managers expect that not less than $25,000,000 of the funds allocated to Ukraine be transferred to the Department of Energy's International Nuclear Safety Program for simulators, training, and safety analysis at nuclear reactors in Ukraine. The managers direct the Department of Energy's INSP office to consult with the Senate and House committees prior to any allocation of funds. The conference agreement also includes language modifying prior year language on nuclear safety analyses to extend the time available for such activities in Ukraine.

The conference has deleted House language terminating assistance to the Government of Ukraine if the President determines and reports to the Committees that the Government of Ukraine is engaged in military cooperation with the Government of Libya. There was no similar Senate provision, and the conferees have been assured by the State Department that there is no cooperation with Libya at the present time. The managers caution Ukraine to move immediately to halt any and all transfers of weapons to terrorist states.

COMMERCIAL LAW REFORM

The Senate version of the bill included $25,000,000 for commercial law reform in Ukraine. The House bill did not include such a provision.

The conferees express strong support for commercial law reform in Ukraine. The conferees strongly urge AID to set aside funds for comprehensive legal restructuring in Ukraine necessary to support a decentralized market-oriented economic system, including the enactment of all necessary substantive commercial law procedures, the implementation of reforms necessary to establish an independent judiciary and bar, the education of judges, attorneys, law students, and related public education.

SOUTHERN CAUCASUS REGION

The conference agreement provides for a new Southern Caucasus Region funding category that is not contained in the House bill or Senate amendment. The managers seek to make the maximum use of American assistance as an incentive for the regional parties to cooperate with the Minsk Group and other international mediators seeking to bring peace to the South Caucasus. The managers are convinced that the ready availability of international reconstruction aid, including the potential U.S. initial contribution provided in this conference agreement, will encourage leaders to make peace. The managers intend that emphasis be placed on restoring transportation, telecommunications, an other infrastructure that promote regional economic integration.

The managers include in the $250,000,000 made available for the Southern Caucasus specific funding for three areas of United States national interest in the region:

(1) up to $70,000,000 to aid the refugees and internally displaced persons affected by the

conflicts in the Caucasus, and if feasible, provide the United States share of an international effort to reconstruct the regions most affected by the conflict once interim settlements are agreed to. The managers direct the Coordinator to move forthwith to provide assistance of $12,500,000 for victims of the Nagorno-Karabakh conflict and $5,000,000 for victims of the Abkhazia conflict;

(2) the amount of $87,500,000 for Armenia (not including, under the previous category, aid for Armenians residing outside the boundaries of Armenia), a country in the center of a volatile region that cannot prosper without renewed trade and communications with its sometimes hostile neighbors; and

(3) the amount of $92,500,000 for Georgia (not including, under the previous category, aid for Georgians displaced from Abkhazia) a key country providing regional leadership for conflict resolution and economic reform. Training and infrastructure support for customs and border control by Georgian officials should be a high priority for use of these funds.

In order to facilitate United States leadership in the Minsk Group process, the managers have included in the conference agreement language renewing Congressional concern about blockades of Armenia, but have exempted humanitarian aid to refugees and displaced persons throughout the Southern Caucasus from restrictions imposed by the FREEDOM Support Act. This should facilitate American assistance to residents of Nagorno-Karabakh as well as persons displaced from neighboring regions of Azerbaijan.

The bill again contains language which restates section 907 of the FREEDOM Support Act (P.L. 102–511). The managers recognize that restrictions contained in section 907 are applicable to assistance to the Government of Azerbaijan.

The conference agreement does not exempt reconstruction aid from the restrictions imposed by the FREEDOM Support Act. The managers assume that in the event that an interim settlement is reached with regard to Nagorno-Karabakh, any blockades will be lifted and the President will be in a position to make the determination necessary to lift such restrictions.

In addition to provisions included in prior year Appropriations Acts, the conference agreement allows for limited support for United States commercial entities, as proposed by the Senate, by clarifying that the Foreign Commercial Service and the Trade and Development Agency can function in Azerbaijan. Both House and Senate provisions relating to the Export-Import Bank were deleted from the conference agreement.

It is the intent of the conferees that in the case of any assistance funded or otherwise provided pursuant to this Act, the direct beneficiaries of which are required by law to be United States entities (e.g., in which guaranties or insurance are provided to U.S. entities), such assistance shall not be considered assistance to a foreign country or government, and therefore is not covered by restrictions on such assistance.

In order to provide flexibility for the Executive branch, the conference agreement includes a provision allowing the Secretary of State to use up to $43,750,000 from the Southern Caucasus funding category for other areas of the former Soviet Union, if she reports to Congress that the full amount cannot be effectively utilized. The managers anticipate that this provision would be used only if an interim settlement proposed by the Minsk Group is not agreed to by May 30, 1998.

ARMENIA

Because of concern about the impact of the continuing physical isolation of Armenia from several of its neighbors and the uneven performance of her economy, the conferees direct that the Agency for International Development and other United States Government agencies provide no less than $82,500,000 for technical and humanitarian assistance requested by the Government of Armenia and qualified non-governmental organizations in Armenia. This level of assistance is provided with the understanding that Armenia will undertake significant economic reforms which are additional to those which were undertaken in previous years.

As Armenian Prime Minister Kocharian recently stated, "further economic growth largely depends on foreign investment and from that point of view, the role of the Armenian diaspora can scarcely be overestimated." Without a favorable investment climate, no amount of American Government assistance will bring prosperity to Armenia or its neighbors.

GEORGIA

Because of the constructive role undertaken by Georgia in attempting to resolve regional conflicts and its economic and democratic progress, the conferees direct that the Agency for International Development and other United States Government agencies provide no less than $87,500,000 for technical, security, and humanitarian assistance requested by the Government of Georgia and qualified non-governmental organizations in Georgia.

LACK OF PRIORITY FOR HEALTH, POPULATION, AND ENVIRONMENT PROGRAMS

The conferees are distressed that the NIS assistance program has made Health, Population, and Environment projects a low priority. Virtually all of the New Independent States have severe health and environmental problems. Unfortunately, the positive changes in the areas of democratization and privatization in these republics has been accompanied by a steady deterioration in the quality of health care. Health indicators in virtually all republics reflect this trend. Few if any environmental guidelines or laws exist in the NIS republics, and there is little capacity to implement them even where there do exist. A low percentage of women in the NIS have access to family planning services. Dramatic reductions in abortion rates have been achieved in areas where U.S. resources have been made available for such services.

The conferees have agreed to provide a $145,000,000 or 23 percent increase in the funds for the NIS program for fiscal year 1998. The magnitude of the problems mentioned above should not prevent the Coordinator from devoting additional resources to them, particularly in light of the large increase in the NIS account. The conferees expect the priorities reflected in the fiscal year 1998 NIS program, including the Partnership for Freedom, to be revisited and that significant additional resources will be devoted to the Health, Population, and Environmental programs.

RUSSIAN FAR EAST

The Russian Far East is widely recognized as vital to the overall development of the Russian Federation's economy. Its rich natural resource base and proximity to robust Pacific rim economies have attracted the attention of many international companies, but the investment climate remains difficult because of governance issues in the region.

The Russian Far East presents a unique set of investment opportunities which have been overlooked in past United States economic cooperation initiatives in Russia. As the Partnership for Freedom program will designate selected regions in the Russian Federation as especially attractive for American investment, the managers direct the Coordinator to designate at least one such region in the Russian Far East. The conferees also urge the Board of the United States Russia Investment Fund (TUSRIF) to develop a lending mechanism to increase investment in small- to medium-sized business projects in the Russian Far East.

RURAL AND AGRICULTURAL REGIONS OF RUSSIA AND CENTRAL ASIA

The failure of a market economy to develop in rural and agricultural regions of the Russian Federation, Ukraine, and Central Asia is noted with concern by the conferees. The Coordinator is encouraged to take the lagging pace of reform in rural Russia into account as he selects regions of concentration for United States technical cooperation. To this end, consideration should be given to forging links between American institutions and Russian agricultural universities and institutes, as well as strengthening and replicating ongoing collaborative efforts between academic and commercial enterprises. Also, the Administrator of AIDS is requested to provide in writing no later than December 15, 1997, the Agency's strategic objectives (including a financial plan) with region to economic growth in rural areas of the Central Asian republics, including public health and environmental indicators and the role of American-Israel cooperative research and development in the region.

NIS COORDINATOR PERSONNEL PRESENCE IN REGION

The conferees are concerned about the lack of personnel in the New Independent States coordinating United States assistance programs. The Office of the Coordinator of NIS assistance has no full time personnel in Moscow and only one full time position in the Southern Caucasus. As the office charged with developing and coordinating all U.S. assistance programs in the New Independent States, it is imperative that adequate personnel resources be made available in the region. The conferees expect this situation to be addressed promptly.

HEALTH ISSUES RESULTING FROM THE CHORNOBYL NUCLEAR ACCIDENT

The conferees urge AID to supplement the generosity tens of thousands of Americans have directed to the victims of the Chornobyl nuclear tragedy. Active consideration should be given to providing ways to decontaminate fresh milk in Ukraine and Belarus in order to increase its acceptability to children and mothers. The conferees request that the Coordinator work with relevant federal agencies to determine the viability of installing and operating effective and affordable technology to decontaminate milk supplies in the contaminated region. Emphasis should be placed on the development of privately-owned dairies and milk processing plants. This priority supersedes any non-conforming "strategic objectives" of USAID.

CRIME AND CORRUPTION

The conferees agree with the House report language characterizing officially tolerated corruption as the biggest impediment to private investment and economic growth in the former Soviet Union. The report requested by the House from the Secretary of State

and the Coordinator should be provided to both Committees no later than 90 days following enactment of this Act.

ENTERPRISE FUNDS

The conference agreement does not reserve any funds for the Trans-Caucasus Enterprise Fund as proposed by the Senate. The House bill did not address this matter.

The conference agreement includes a Senate provision that none of the funds provided under this heading or in prior appropriations Acts may be made available to invest in a joint public-private management entity established by the Defense Enterprise Fund.

During fiscal year 1997, the Defense Enterprise Fund (DEF) received a final installment of $15,000,000 of a $71,000,000 commitment from the United States Government. Release of these resources was conditioned upon an understanding by the DEF senior management that the funds would be directly invested in defense conversion projects and related activities. The managers expect that during fiscal year 1998, none of the government funds provided to the DEF will be used for any other purposes. The conference language is not intended to limit or prevent the managers of the Fund from raising private capital or receiving contributions from multilateral financial institutions to invest in the Fund's projects or activities.

The conferees direct the Coordinator for United States Assistance to the New Independent States, in consultation with the implementing agency, to submit a report to the Committees on Appropriations no later than 60 days after the date of enactment of this Act on the rate of obligation and risk and anticipated returns associated with commitments made to the United States-Russia Investment Fund (TUSRIF). The report shall include a recommendation on the continued relevance and advisability of the initial planned life of project funding commitment for TUSRIF.

CIVIL SOCIETY AND CONTINUED DEVELOPMENT OF A FREE PRESS

The conferees endorse the House report language on civil society and continued development of a free press. In addition, the Coordinator is encouraged to continue support for the long-term development of an independent print media in Russia and Ukraine, utilizing organizations with demonstrated experience in working with print media in countries of the region.

ENDORSEMENT OF OTHER PRIORITIES IN THE PARTNERSHIP FOR FREEDOM

The managers endorse the House report language on the important role of American business centers and centers for business skills development in the Partnership for Freedom initiative. The conferees also support the Senate report language with regard to expansion of support for sustainable programs at Russian agricultural institutions.

MONGOLIA

The conference agreement deletes the Senate earmark of $12,000,000 for Mongolia, but retains authority for funds provided under this heading to be used in Mongolia.

Positive economic and political developments in Mongolia make clear that a robust program of assistance especially in the areas of judicial, tax, banking, commercial and related legal code reforms could have a major impact securing free market democracy. The managers believe the current conditions in Mongolia offer a unique opportunity to carry out significant, permanent reforms in a short period with minimal resources and yet a lasting impact. Therefore, the managers direct that not less than $12,000,000 be made available from development assistance funds and resources made available under the New Independent States heading.

In addition, the managers are concerned about continued reports that AID intends to close its mission in Ulan Bator at the end of fiscal year 1998. The managers oppose closure of the mission at this time and request consultation in advance of any such decision. While Mongolia represents a unique opportunity to provide short term support and quickly graduate a nation from U.S. aid programs, a closure in 1998 would compromise prospects for successfully completing reforms.

The managers strongly encourage the Coordinator and the Administrator to coordinate completion of programs to modernize the Mongolian energy sector. The managers recognize that the Mongolian Government is committed to infrastructure development and environmental protection, the latter adding value to the economy because of the potential for ecotourism. Institutions such as the Academy of Natural Sciences can help Mongolian scientists through cooperative research programs that promote environmentally sensitive economic development in Mongolia.

DISTRIBUTION OF CONTRACTS TO SMALL AND DISADVANTAGED BUSINESS

In fiscal year 1996 because of concern that small and disadvantaged businesses were not receiving a fair share of contracts from AID, particularly in the NIS programs, the Conference report contained language directing AID to take immediate measures to ensure that all contractors be given a fair chance to perform and receive contracts. While the initial actions taken by AID were encouraging, recent actions have brought AID commitment to this directive into doubt. The conferees expect AID to adhere to the earlier directive with respect to allowing small and disadvantaged contractors the opportunity to compete fairly for AID contracts.

INDEPENDENT AGENCY

PEACE CORPS

The conference agreement appropriates $222,000,000 as propose by the House instead of $206,000,000 as proposed by the Senate.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

The conference agreement appropriates $215,000,000 for "International Narcotics Control". The House bill proposed $230,000,000 for this account, while the Senate amendment contained an appropriation of $216,200,000.

In addition, the conference agreement includes $15,000,000 in a new account, "Narcotics Interdiction", in order to provide the Bureau of International Narcotics and Law Enforcement Affairs (INL) with the flexibility and funds to procure Black Hawk helicopters for the Colombian National Police. The bureau is directed to use the funds in this account, together with base funds from "International Narcotics Control", to procure three Black Hawk utility helicopters, including maintenance and training, for the National Police solely for conternarcotics purposes, at a cost of $36,000,000. In addition, $14,000,000 should be made available to provide upgrades for UH–IH Huey helicopters for the Colombian National Police solely for counternarcotics purposes.

The managers are extremely concerned about reports that Colombian heroin is flooding the U.S. market. According to the Drug Enforcement Administration, 60 percent of all heroin recently seized on American streets is of Colombian origin. The new appropriations account, together with base funds in "International Narcotics Control", is intended to address the equipment shortfall of the Colombian National Policy.

The conferees are also concerned that helicopters for drug interdiction were removed from Guatemala several years ago. The transit of drugs through Guatemala has reemerged as a serious problem, and the managers would support the proposed redeployment of helicopters from Bolivia to that country.

The conference agreement includes language from the House bill, deleted by the Senate amendment, that allows the Bureau to use section 608 of the Foreign Assistance Act, without regard to its restrictions, to receive non-lethal excess property from an agency of the U.S. government for use in a foreign country, subject to notification.

The conference agreement does not contain Senate language providing not less than $10,000,000 for law enforcement training and education and not less than $22,000,000 for anti-crime programs. However, the conferees expect that not less than the 1997 levels for each such activity ($9,000,000 and $20,000,000, respectively) will be provided in fiscal year 1998.

The conference agreement includes language requiring a report from the Secretary of State, in consultation with the Office of National Drug Control Policy, 60 days after enactment on overseas counter-narcotics activities. The Senate amendment would have prohibited funding for counter-narcotics activities until such report was submitted. The House bill did not address this matter.

The conferences agreement includes language from the Senate amendment providing not to exceed $5,000,000 for the operations of a Western Hemisphere International Law Enforcement Academy; however, the reference to the Organization of American States is deleted. Although the House bill did not address this matter, the conferees endorse the House report language regarding the regional training center.

The conference agreement includes language withholding from obligation 10 percent of the funds appropriated under "International Narcotics Control" and "Narcotics Interdiction" until the Secretary of State submits a financial plan for the use of all funds made available in these accounts.

The conferees support the development of plant pathogens capable of destroying illicit drug crops and expect the Department to fund research on such biocontrol agents, such as the program at Montana State University.

The conferees support the intent of the Senate report language on international crime and the need for the Secretary of State to reestablish a task force on international crime.

The conferees are very concerned that many people in Ecuador are being denied due process in its judicial system. Many of them, including several United States citizens, have been held for months or years without regard to rights accorded them under Ecuadoran and international law. The conferees strongly urge the Department of State to actively encourage Ecuadoran law enforcement and judicial officials they cooperate with under the International Narcotics Control programs to fulfill their responsibilities in a manner consistent with requirements of law and treaty obligations.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement includes Senate language, not in the House bill, that provides

not less than $80,000,000 for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

The conferees remain strongly committed to assisting the Government of Israel to resettle refugees in Israel from the former Soviet Union, Eastern Europe, and elsewhere. Since 1989, Israel has absorbed more than 700,000 refugees from countries of distress. The funds provided in the conference agreement assist in the transportation and initial absorption costs for more than 100,000 refugees per year. While there has been a modest decrease in the number of refugees coming to Israel this year, the conferees note that the historically unprecedented numbers still arriving and in need continue to strain the resources of the Government of Israel. Should the current decline in the number of refugees arriving in Israel continue, the conferees expect this program to be funded at $70,000,000 in fiscal year 1999 and $60,000,000 in fiscal year 2000.

The conferees believe the United States should play a leadership role in helping to establish a fund through the United Nations High Commissioner for Refugees for vulnerable refuge children, particularly those separated from their parents. The conferees recommend that approximately $5,000,000 in fiscal year 1998 funds be made available for this purpose.

The conferees also support the House report language on assisting Tibetan refugees.

REFUGEE RESETTLEMENT ASSISTANCE

The conference agreement appropriates $5,000,000 for "Refugee Resettlement Assistance" as proposed by the House. The Senate amendment contained no provision on this matter.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement appropriates $133,000,000 for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" instead of $129,000,000 as proposed by the Senate and $118,000,000 as proposed by the House.

DEMINING ACTIVITIES

The conference agreement recommends $20,000,000 be utilized to support global demining activities. The conferees strongly support programs to locate and remove landmines and other unexploded ordnance, including mine awareness and education, mapping and marking, and training of deminers. In addition, the conferees urge the Department of State, in consultation with the humanitarian demining training program at the Department of Defense, to explore opportunities for the United States to provide technical advice and assistance to Russia and other new independent states in the clearance of landmines, including the southern Caucasus region.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

The conference agreement provides that not to exceed $30,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for administrative expenses and heavy fuel oil costs associated with the Agreed Framework as proposed by the Senate, instead of $25,000,000 as proposed by the House. The conference agreement also stipulates that the President must certify that canning activities associated with the Agreed Framework are scheduled to be completed by April 1, 1998. The conference agreement provides that an additional $10,000,000 may be made available to KEDO if the Secretary of State certifies that additional funds have been provided by foreign donors to KEDO sufficient to cover all outstanding debts owed by KEDO for heavy fuel oil. The managers also agree that none of the funds in this bill that are made available for KEDO in fiscal year 1997 may be used to contribute to the light-water nuclear reactors being provided to North Korea under the terms of the Agreed Framework.

NONPROLIFERATION ACTIVITIES

The conference agreement recommends $15,000,000 for the Nonproliferation and Disarmament Fund. The conferees strongly support the core nonproliferation activities of the NDF. The NDF is designed to provide the Secretary of State with a flexible funding source to respond to urgent, unanticipated nonproliferation activities of immediate concern to the United States. Longer term programmatic activities, such as export controls, should be funded separately outside of the NDF account and therefore subject to the normal conditions for legislative oversight and review. For this reason the conference agreement recommends that $3,000,000 in NADR account funds be used to support export control related activities.

The conferees also note that there may be numerous nonproliferation programs which could logically be included in the NADR account in order to facilitate the continued rationalization of government-wide nonproliferation programs and activities. The conferees stress that the Committees on Appropriations are prepared to work with the Administration in this ongoing rationalization process as the Administration prepares its fiscal year 1999 request.

TITLE III—MILITARY ASSISTANCE

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement appropriates $50,000,000 as proposed by the House instead of $47,000,000 as proposed by the Senate.

SCHOOL OF THE AMERICAS

The conference agreement retains language proposed by the House which makes the obligation of funds under this heading to support IMET training at the School of the Americas contingent upon certification by the Secretary of Defense that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel; second, the Secretary of State, in consultation with the Secretary of Defense, has developed and issued specific guidelines governing the selection and screening of candidates for instruction at the School of the Americas; and third, the Department of Defense has submitted to the Committees on Appropriations a report detailing the training activities of the school of the Americas and a general assessment regarding the performance of its graduates during 1996.

GUATEMALA AND INDONESIA

The conference agreement includes language proposed by the House which limits Indonesia and Guatemala to expanded IMET only and, in the case of Guatemala, the conferees expect the administration to obligate funds subject to the regular notification procedures of the Committees on Appropriations. The conferees agree that expanded IMET for Guatemala shall be used to support the peace settlement and that qualified nonmilitary personnel should be well represented in such courses to the extent practical.

CIVILIAN PARTICIPATION IN IMET

The conference agreement also includes language proposed by the Senate which allows IMET participation by civilian personnel who are not members of a government if their participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights.

MONGOLIA

The conferees commend the Department of Defense for the Department's implementation of the fiscal year 1997 IMET program in mongolia in a manner consistent with the objectives outlined in the Statement of Managers or Public law 104–208. The conferees urge continued support for its important program in Mongolia, particularly in the expanded IMET area.

FOREIGN MILITARY FINANCING PROGRAM (GRANT PROGRAM)

The conference agreement appropriates $3,296,550,000 instead of $3,308,950,000 as proposed by the Senate and $3,259,250,000 as proposed by the House.

THE MIDDLE EAST

The conference agreement inserts earmarks for Israel, Egypt and Jordan which provide that not less than $1,800,000,000 shall be available for grants only or Israel, not less than $1,300,000,000 shall be available for grants only for Egypt, and not less than $75,000,000 shall be available for assistance for Jordan. The conference agreement also directs the President to draw down not less than $25,000,000 in defense equipment and services for Jordan, the aggregate value of which shall count against the earmark for Jordan.

POLAND, HUNGARY AND THE CZECH REPUBLIC

The conference agreement provides that not less than $50,000,000 in funds made available for FMF grants and FMF loans should be made available for Poland, Hungary, and the Czech Republic to facilitate the integration of these nations into NATO.

THE BALTIC NATIONS

The conference agreement provides that $18,300,000 should be made available to Estonia, Latvia and Lithuania. These funds are provided to enhance programs aimed at improving the military capabilities of these nations and to strengthen their interoperability and standardization with NATO, including the development of a regional airspace control system. Given progress in economic reform and meeting military guidelines for prospective NATO members, the conferees believe the Baltic nations will make an important contribution to enhancing stability and peace in Europe and are strong candidates for NATO membership.

The conference agreement retains House language which provides that the obligation of funds for any non-NATO country participating in the Partnership for Peace shall be subject to notification.

FMF LOAN PROGRAM

The conference agreement also appropriates $60,000,000 as proposed by the House for the subsidy cost of direct loans instead of $74,000,000 as proposed by the Senate. The conference agreement provides that these funds are available to support not to exceed $657,000,000 in direct loans as proposed by the House instead of $759,500,000 as proposed by the Senate.

The conference agreement deletes a Senate earmark of $8,000,000 for loans to Estonia,

Latvia, and Lithuania. Increased assistance for these countries is provided under the grant FMF program.

The conference agreement retains the House levels of $105,000,000 and $150,000,000 as ceilings on FMF loans to Greece and Turkey respectively instead of $122,500,000 and $175,000,000 as proposed by the Senate.

FMF ADMINISTRATIVE EXPENSES

The conference agreement includes House language which provides that not more than $350,000,000 of the funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1998, instead of $355,000,000 as proposed by the Senate.

FMF LOAN CRITERIA

The conference managers are extremely concerned that the Administration has apparently abandoned its long-standing credit criteria for determining eligibility for the FMF loan program. The conferees note that previous year funds were made available to support the FMF loan program based upon a clear understanding, provided by the Administration at the time the funds were being requested, of its loan criteria and its intended application. The conferees note that the current application of the FMF loan program is not consistent with these presentations. The conferees direct the Secretary of State, in consultation with the Secretary of Defense, Secretary of the Treasury, the Director of the Office of Management and Budget, and in coordination with the Director of the Congressional Budget Office, to review the current FMF loan policy and its application to current and proposed program participants and to report to the Committees on Appropriations, within 180 days of enactment of this Act, on these issues, to include a statement specifically detailing Administration FMF loan policy and credit risk criteria. The conferees also direct the Secretary of Defense to report to the Committees on Appropriations on a quarterly basis, beginning January 1, 1998, on the current credit risk ratings for potential and current FMF loan program participants.

PEACEKEEPING OPERATIONS

The conference agreement provides $77,500,000 for peacekeeping operations as proposed by the House instead of $75,000,000 as proposed by the Senate.

MULTILATERAL FORCE AND OBSERVERS

The conferees note that the current Director General of the Sinai Multilateral Force and Observers is concluding his last term in office. The conferees expect a report from the Secretary of State, prior to the release of the U.S. share of the Observer Force funding, on the status of efforts to replace the Director General.

AFRICAN CRISIS RESPONSE INITIATIVE

The conferees note that funds provided to support the African Crisis Response Initiative should be utilized to foster the growth of democracy and the protection of human rights in Africa and should not be directed to undemocratic governments with a history of human rights abuses by their militaries. The conferees agree with the Department of State that "it is important that countries selected to receive additional training and equipment have military establishments that accept the supremacy of democratic civilian government." The conferees expect the Administration to consult closely with the Committees on Appropriations, prior to obligating such funds, to ensure this minimum standard is met.

MOROCCO

The conferees congratulate both Morocco and the POLISARIO for reaching an agreement to allow a free, fair and transparent referendum on the future of the people of the Western Sahara, and recognize the efforts of United Nations Personal Envoy James Baker in reaching this agreement. The conferees expect full implementation of the terms of the agreement and encourage the Department of State to play an active role in ensuring full implementation. The conferees also urge both parties to engage in the exchange of all prisoners of war, political prisoners and political detainees.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT GLOBAL ENVIRONMENT FACILITY

The conference agreement appropriates $47,500,000 instead of $60,000,000 as proposed by the Senate and $35,000,000 as proposed by the House.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The conference agreement appropriates $1,034,503,100 instead of $1,034,500,000 as proposed by the Senate and $606,000,000 as proposed by the House.

The agreement prohibits obligation of IDA funds until the Secretary of the Treasury certifies that procurement restrictions on American firms under the Interim Trust Fund have been lifted. Both the House and Senate bills included similar language on this matter.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

The conference agreement appropriates $30,000,000 for the Multilateral Investment Fund, all of which was previously due. The House bill contained no funds for this program.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

The conference agreement appropriates $150,000,000 for the Asian Development Fund as proposed by the Senate instead of $100,000,000 as proposed by the House. Of this amount, $50,000,000 was previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

The conference agreement includes $45,000,000 for the African Development Fund, instead of $50,000,000 as proposed by the House (including Section 579 of the House bill). The Senate amendment did not include any funds for this institution. The entire amount provided was previously due.

NORTH AMERICAN DEVELOPMENT BANK

The House bill and the Senate amendment included $56,500,000 for the North American Development Bank, and the conference agreement includes language providing that $250,000 of these funds are for contributions previously due. In addition, language is included that limits to $41,250,000 the amount of funds that may be expended in fiscal year 1998 for purchase of capital shares in the bank. This action is being done solely for budgetary reasons and does not reflect any lack of support for the North American Development Bank.

LOANS TO THE INTERNATIONAL MONETARY FUND; NEW ARRANGEMENTS TO BORROW

The conference agreement does not appropriate funds for the proposed New Arrangements to Borrow. The Senate proposed $3,521,000,000, denominated as the dollar equivalent of IMF Special Drawing Rights. The House bill did not include any appropriation for this purpose. The managers defer this item without prejudice.

AUTHORIZATIONS FOR INTERNATIONAL FINANCIAL INSTITUTIONS

The statutory authority required by the Secretary of the Treasury to activate several of the appropriations provided for international financial institutions is found in section 560 of the conference agreement.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement appropriates $192,000,000 instead of $194,000,000 as proposed by the House and $277,000,000 as proposed by the Senate. The conference agreement does not include funding for the United Nations Children's Fund (UNICEF) in this account, as proposed by the Senate. Funding of $100,000,000 for UNICEF is contained in "Child Survival and Disease Programs Fund" under title II.

The conference agreement includes House language on the United Nations Population Fund (UNFPA) that limits funding to UNFPA to one-half of the funding ceiling of $25,000,000 prior to March 1, 1998, and requires that no later than February 15, 1998, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1998. In addition, the language requires that any amount UNFPA plans to spend in the People's Republic of China in 1998 will be deducted from the amount of funds provided to UNFPA after March 1, 1998. Finally, with respect to any funds made available to UNFPA, the language requires UNFPA to maintain such funds in a separate account and not to commingle them with any other funds.

The conference agreement does not contain Senate language providing $5,000,000 for the World Food Program, but does include language indicating that $4,000,000 should be made available for this purpose. The House bill contained no provision on this matter.

The conference agreement deletes House language prohibiting the use of funds for the United Nations development group or any similar organization. The House bill provision, as well as House and Senate report language, reflect concern about proposals formerly under consideration at the United Nations that would have merged and consolidated UNICEF with other United Nations development organizations, thereby threatening UNICEF's unique mission for the children of the world and its ability to raise private sector funding. Since the reform plan announced by the Secretary-General on July 16, 1997, appears to preserve the special mandate of UNICEF for children, the conference agreement does not contain this funding prohibition. However, the managers intend to monitor closely the impact upon UNICEF of the implementation of the United Nations reform plan. The managers expect that the independence of UNICEF will be continued and that its ability to work for the survival, protection, and development of vulnerable children will remain uncompromised. The managers expect this to be a top priority of the Department of State as well, and expect to receive regular consultations as the reform plan proceeds.

The conferees support the Administration's request level for the United Nations Development Program (UNDP), but expect that not less than $98,000,000 should be made

available for UNDP in fiscal year 1998. The conferees also support the work of the United Nations Voluntary Fund for Victims of Torture and expect that the Administration will make every effort to support this organization at the highest level possible.

TITLE V—GENERAL PROVISIONS

Sec. 501. Obligations during last month of availability

The conference agreement contains House language providing that not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability, except for funds under the headings "International Disaster Assistance" and "United States Emergency Refugee and Migration Assistance Fund". The Senate amendment contained no provision on this matter.

Sec. 502. Prohibition of bilateral funding for international financial institutions

The conference agreement includes language proposed by the House which prohibits funds in title II being used to carry out the provisions of section 209(d) of the Foreign Assistance Act, notwithstanding section 614 of said Act. The Senate amendment contained no provision on this matter.

Sec. 509. Transfers between accounts

The conference agreement includes House language providing that the exercise of the authority under this section shall be subject to the regular notification procedures of the Committees on Appropriations, except for transfers specifically referred to in this Act. The Senate amendment did not include the requirement for notification.

Sec. 512. Limitation on assistance to countries in default

The conference agreement includes a waiver for Liberia from the requirements of section 620(q) of the Foreign Assistance Act as proposed by the House. The Senate addressed this matter in section 561 of the Senate amendment.

Sec. 513. Commerce and trade

The conference agreement restores House language at the end of subsection (a) that provides authority to the Board of the Export-Import Bank to waive the prohibition on the use of funds to establish or expand production of commodities that could adversely affect United States producers. The Senate amendment did not contain this provision.

Sec. 515. Notification requirements

The conference agreement makes "Child Survival and Disease Programs Fund", as proposed by the House, subject to the notification requirements of this section. The Senate amendment had deleted the reference to this account.

Sec. 519. Reporting requirement

The conference agreement amends permanent law as proposed by the Senate to provide that the reports required by section 25(a)(1) of the Arms Export Control Act shall be submitted to the Committees on Appropriations. The House bill required such reports, but did not amend permanent law.

Sec. 520. Special notification requirements

The conference agreement adds "Panama" as proposed by the House to the list of countries subject to the special notification requirements of this section. It also deletes "Russia" from this list, as proposed by the Senate. The Senate provisions adding "Guatemala" and "Dominican Republic" are not included in the conference agreement.

Sec. 522. Child survival, AIDS and other activities

The conference agreement includes Senate language limiting to $10,000,000 the funds that may be made available to reimburse specified organizations for certain activities in support of family planing activities, child survival activities, and activities relating to research on, and the treatment and control of, HIV/AIDS, as well as Senate language including basic education activities under the authority of the section. the House bill had similar language, but the limitation was $8,000,000 and did not include basic education activities.

Sec. 526. Authorization requirement

The conference agreement includes Senate language waiving the authorization requirements of section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities act for the funds appropriated in this Act. The House bill made these funds subject to these authorization requirements.

Sec. 536. Extension of authority to obligate funds to close the special defense acquisition fund

The conference agreement includes language proposed by the House which amends title III of Public Law 103–306 to extend through fiscal year 2000 the authority to obligate funds to close the Special Defense Acquisition Fund. The Senate amendment contained no provision on this matter.

Sec. 537. Authorities for the Peace Corps, the Inter-American Foundation and the African Development Foundation

The conference agreement restores House language providing authority for the Inter-American Foundation and the African Development Foundation to operate in foreign countries notwithstanding other provisions of this or other Acts. The Senate amendment deleted the language providing such authority.

Sec. 539. Special authorities

The conference agreement deletes "Cambodia" from the provisions that exempt assistance to that country from any other provision of law as proposed by the Senate, but restores House language exempting humanitarian assistance for the peoples of Bosnia and Herzegovina and Croatia from any other provision of law.

The conference agreement also deletes Senate language allowing for the use of up to $40,000,000 under the authority (relating to unanticipated contingencies) of section 451 of the Foreign Assistance Act. The House bill does not address the matter. The permanent statutory limit is $25,000,000.

The conference agreement includes language in a new subsection (d) which enables the President to waive section 1003 of Public Law 100–204, relating to prohibitions regarding the Palestinian Liberation Organization, if the President determines that it is important to the national security interests of the United States.

Sec. 540. Policy on terminating the Arab League boycott of Israel

The conference agreement includes language proposed by the House which deals with the decision in 1997 by the Arab League to reinstate the boycott of Israel and encourages the President to take certain specific steps in response to this decision.

Sec. 542. Eligibility for assistance

The conference agreement includes House language regarding exemptions from restrictions on certain assistance if carried out by nongovernmental organizations. The Senate amendment included similar language, but did not include "Assistance for Eastern Europe and Baltic States" under the terms of the provision. This section allows development assistance to be provided for nongovernmental organizations in cases where such assistance would otherwise be barred because of a statutory prohibition on assistance to a country. Under this authority, assistance provided through nongovernmental organizations may only marginally benefit the government of a country otherwise prohibited from receiving assistance through, for example, the necessary use of government facilities by nongovernmental organizations providing assistance to the people of that country. Except in such limited circumstances, the fact that assistance may be provided through nongovernmental organizations does not mean that the assistance can be provided to the government. Rather, the provision was first enacted in recognition that a government's actions should not automatically bar assistance to the people of a country through nongovernmental channels. It is with this intention that the conferees have expanded the scope of the current authority to include the former Soviet Union and Eastern Europe.

Sec. 545. Prohibition on publicity or propaganda

The conference agreement includes House language limiting to $500,000 the amount that may be made available to carry out the provisions of section 316 of Public Law 96–533 relating to hunger and development education. The Senate bill did not include a limitation.

Sec. 546. Purchase of American-made equipment and products

The conference agreement combines this section with section 558, as proposed by the Senate. The language require, to the greatest extent practicable, that any entity receiving assistance under this Act should receive notice that it is the Sense of the Congress that all equipment and products funded by this Act should be American-made.

Sec. 550. Prohibitions on assistance to foreign governments that export lethal military equipment to countries supporting international terrorism

The conference agreement provides that the prohibition on assistance called for in subsection (a) applies with respect to a contract entered into after October 1, 1997 instead of "April 24, 1996" as proposed by the House and "after the date of enactment of this Act" as proposed by the Senate.

Sec. 553. War crimes tribunals drawdown

The conference agreement changes the designation of the section title to include the word "drawdown" as proposed by the Senate.

Sec. 557. Equitable allocation of funds

The conference agreement inserts House language providing that not more than 18 percent of the funds appropriated to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act that are made available for Latin America and the Caribbean region may be made available, through bilateral and regional programs, to provide assistance to any one country in such region. The Senate bill did not include this provision.

Sec. 560. Authorization requirement for international financial institutions

The conference agreement includes language from title IV of the Senate amendment authorizing appropriations over several years of $1,600,000,000 for the International Development Association (IDA), $285,772,500

for paid-in capital of the European Bank for Reconstruction and Development, $400,000,000 for the Asian Development Bank, and $76,832,001 for paid-in capital of the Inter-American Development Bank. The House bill authorized $606,000,000 for the IDA.

The conference agreement also amends current law to require the International Finance Corporation to comply with environmental standards that apply to other multilateral institutions. It also includes a provision (from Senate section 568) relating to procurement opportunities available to United States suppliers and community participation in the planning and implementation of multilateral bank projects.

The multilateral lending banks are encouraged to undertake an assessment of the transparency and integrity of procurements they finance, including a finding on the utility of using independent third party procurement monitoring services. Such services may help U.S. companies compete for MDB procurement awards.

Sec. 561. Sanctions against countries harboring war criminals

The conference agreement inserts House language on this matter, except that there is no reference to the International Criminal Tribunal for the former Yugoslavia. Under subsection (a), the language authorizes the President to withhold funds for countries harboring war criminals as described in this section. Under subsection (b), the language states the President should instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, assistance to countries described in this section. The Senate amendment would have required that assistance be withheld, and would have limited the application of the provision to war criminals indicted by the International Criminal Tribunal for Rwanda.

Sec. 562. Limitation on assistance to Haiti

The conference agreement inserts a substitute provision limiting assistance to the Government of Haiti (updating what is known as the Dole Amendment). The conference substitute is similar to the Senate provision, but requires that the privatization of at least three major state enterprises be substantially completed as proposed by the House.

Sec. 563. Requirement for disclosure of foreign aid in report of Secretary of State

The conference agreement continues and updates prior year language requiring that the annual report on the voting record of foreign countries at the United Nations include a side-by-side comparison showing the amount of U.S. assistance provided to each country in fiscal year 1997. The Senate bill was identical except that it referenced the fiscal year 1996.

Sec. 564. Restrictions on voluntary contributions to United Nations agencies

The conference agreement includes House language prohibiting payment of any voluntary contribution to the United Nations (including the United Nations Development Program) if the U.N. implements any taxation on any United States national or corporation. The Senate amendment did not address this matter.

Sec. 565. Assistance to Turkey

The conference agreement inserts language which limits "Economic Support Funds" to Turkey to $40,000,000; provides that not less than 50 percent of such funds shall be made available for the purposes of supporting private nongovernmental organizations engaged in strengthening democratic institutions in Turkey, providing economic assistance for individuals and communities affected by civil unrest, and supporting and promoting peaceful solutions and economic development which will contribute to the settlement of regional problems in Turkey. The conferees agree that the cash transfer and direct project assistance components of Turkey's assistance are not severable and if, for whatever reason, the directed assistance were not provided and spent in the manner provided in subsection (b), the Government of Turkey would not receive the direct government-to-government assistance. Furthermore, the conferees also agree that the Agency for International Development will be responsible for administering the project elements of subsection (b) utilizing NGO's, PVO's and other instrumentalities consistent with the purposes outlined in subsection (b) and in consultation with the Committees on Appropriations.

The conferees also expect that the implementation of subsection (b) will be carried out in consultation with the Government of Turkey, which should include the participation of nongovernmental organizations where necessary and appropriate. The conferees note that it is neither the intent of the conference, nor is it the effect of this provision, to impinge upon Turkey's national sovereignty.

The Senate amendment did not contain a provision on this matter.

Sec. 566. Limitation on assistance to the Palestinian Authority

The conference agreement includes language which provides that none of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II (Economic Support Fund) of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority. The conference agreement allows the President to waive this prohibition if it is determined that it is "important to the national security interests of the United States." The waiver is effective for a period of not more than six months at a time and shall not apply beyond twelve months after enactment of this Act.

Both the House bill and the Senate amendment included similar provisions banning funds for the Palestinian Authority and the P.L.O. but each would have allowed for the provision of funds based upon a detailed but different Presidential certification. Both House and Senate bills include identical language (Sections 552) which bans assistance to the P.L.O.

Sec. 567. Limitation on assistance to the Government of Croatia

The conference agreement includes language proposed by the House that bars use of funds made available to the Government of Croatia in title II to relocate the remains of Croatian Ustashe soldiers to the site of the World War II concentration camp at Jasenovac, Croatia. The Senate bill did not address this matter.

Sec. 568. Burma labor report

The conference agreement includes language requiring a report from the Secretary of Labor, in consultation with the Secretary of State, on labor practices in Burma. The Senate amendment included the requirement for a report from the Secretary of Labor, as well as details regarding contents of the report. The House bill did not address this matter.

The conferees request the report address allegations and details on child labor practices, workers' rights, the forced relocation of laborers, and the use of forced labor to support the tourism industry and the construction of the Yadonna gas pipeline. To assure an understanding of its accuracy, the conferees also expect an evaluation of the cooperation and access afforded in Burma to the officials engaged in the preparation of the report.

Sec. 569. Haiti

The conference agreement includes Senate language making the Government of Haiti eligible to purchase defense articles and services under the Arms Export Control Act for the Haitian National Police and Coast Guard, subject to notification. The House bill contained no provision on this matter.

Sec. 570. Limitation on assistance to security forces

The conference agreement includes language, similar to that in the Senate amendment, which prohibits funds in this Act from being provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring responsible members of the security forces to justice. The language also provides that nothing in this section shall be construed to withhold funds from any unit credibly alleged to be involved in gross violations of human rights. In addition, if funds are withheld pursuant to this section, the Secretary is directed to inform promptly the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice so funds to the unit may resume.

The conferees are aware that there may be instances when providing information to a foreign government would compromise sources and methods, or endanger witnesses. The phrase "to the maximum extent practicable" ensures, among other things, that sources, methods and the safety of witnesses are fully protected. By "taking effective measures to bring responsible members of the security forces unit to justice", the conferees intend that the government carry out a credible investigation and that the individuals involved face appropriate disciplinary action or impartial prosecution in accordance with local law.

The House bill contained no provision on this matter.

Sec. 571. Limitations on transfer of military equipment to East Timor

The conference agreement includes language which requires that any agreement for sale, transfer, or licensing of any lethal equipment or helicopters for Indonesia entered into by the United States shall state that the United States expects that such items will not be used in East Timor. The conference agreement also provides that nothing in this section shall be construed to limit Indonesia's inherent right to legitimate national self-defense as recognized under the United Nations Charter and international law.

The conferees recognize Indonesia's important contribution to regional security and its inherent right of self-defense under the United Nations Charter. The conferees note, however, that U.S. military equipment has been used by Indonesian troops in East Timor. The conferees are concerned that

U.S. military equipment not be used in a manner inconsistent with international law, particularly with respect to the observance of human rights and therefore have included bill language which makes clear that such items should not be used in East Timor.

The House bill did not contain a provision on this matter.

Sec. 572. Transparency of budgets

The conference agreement includes Senate language amending section 576(a)(1) and (a)(2) of Public Law 104-208 to require that countries have in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces and security forces in order to receive U.S. support for multilateral assistance through international financial institutions, and to condition U.S. support for such assistance on the requirement that information be provided to the international financial institution on such audit process if requested by such institution. The House bill contained no provision on this matter.

Sec. 573. Restrictions on funding to countries providing sanctuary to indicted war criminals

The conference agreement includes language prohibiting bilateral assistance and the support of the United States for certain multilateral assistance, for countries and entities not in compliance with the war crimes provisions of the Dayton peace accords for the former Yugoslavia. The Senate bill contained language which prohibited most support for such countries and entities until measurable progress was made with respect to the arrest and transfer to The Hague of indicted war criminals. The House addressed the issue of war crimes in the former Yugoslavia in section 565 of the House bill, which would have authorized the President to withhold assistance to countries that granted sanctuary to war criminals.

The conferees expect that the provision of United States assistance to Croatia and Bosnia through international financial institutions will be coordinated with U.S. foreign policy objectives. With respect to the exemption in the section for bilaterally and multilaterally funded cross-border infrastructure projects, the conferees intend that the exemption should apply only to projects which are predominantly located in and predominantly benefit a nonsanctioned entity and include a small portion that extends into a contiguous sanctioned entity for the purpose of completing the project. The conferees note that Republicka Srpska has failed to arrest and transfer any of the 53 publicly indicted war criminals believed to be in its territory.

Sec. 574. Extension of certain adjudication provisions

The conference agreement includes Senate language that extends for an additional year (until October 1, 1998) the provisions of section 599D and 599E of Public Law 101-167; these provisions establish categories of aliens for purposes of refugee determinations, and provide for the adjustment of immigrant status for certain Soviet and Indochinese aliens. The House bill did not contain a provision on this matter.

The managers expect that this matter will be addressed in the future by the committees of jurisdiction, and do not anticipate making another extension in an appropriations act.

Sec. 575. Additional requirements relating to stockpiling of defense articles for foreign countries

The conference agreement includes language proposed by the Senate which in subsection (a) amends section 514(b)(2)(A) of the Foreign Assistance Act by authorizing additions to defense stockpiles for foreign countries of $60,000,000 for fiscal year 1998. Subsection (b) amends section 514(b)(2)(B) of the same act to authorize, for fiscal year 1998, not more than $40,000,000 for stockpiles in the Republic of Korea and not more than $20,000,000 for stockpiles in Thailand. The House bill did not contain a provision on this matter.

Sec. 576. Delivery of drawdown by commercial transportation services

The conference agreement includes Senate language which amends section 506 of the Foreign Assistance Act of 1961, as follows: (1) requires a report to Congress detailing all defense articles, defense services, and military education and training delivered to a recipient country or international organization upon delivery of such articles or upon completion of such services, including whether any savings were realized by utilizing commercial transport services; and (2) authorizes, as part of any drawdown of defense or other articles or commodities, that such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from agency assets. The House bill did not contain a provision on this matter.

Sec. 577. To prohibit foreign assistance to the Government of Russia should it implement laws which would discriminate against minority religious faiths in the Russian Federation

The conference agreement inserts a new provision instead of language proposed by the Senate. The House did not address this matter.

The conference substitute is effective 150 days after enactment. Upon its effective date, the President is allowed 30 days to certify the Congress that the Government of the Russian Federation has not implemented any measure that discriminates against religion in violation of international agreements that include Russia. In the absence of such certification, funds appropriated under the Act may not be obligated for the Government of the Russian Federation.

The managers note continued Congressional concern over the issue of religious freedom in the Russian Federation. Despite the personal intervention of the Vice President and many members of Congress, President Yeltsin signed into a law a measure which could threaten religious freedom in Russia.

The conferees consider implementation of the new law on religion by national, regional, and local entities in Russia to be the determining factor regarding religious freedom. The operative phase in this section should be interpreted by the Administration as giving it discretion to determine if the Russian government's actions are discriminatory.

The conferees acknowledge the advances that the Russian Federation has made in the areas of human rights and democratic political reforms. Congress has saluted its past willingness to allow freedom of speech, assembly, and religion. The managers remain optimistic that religious diversity and freedom of religious expression can survive in the Russian Federation.

Sec. 578. U.S. policy regarding support for countries of the South Caucasus and Central Asia

The conference agreement includes Senate language supporting the development of strong political and economic ties between countries of the Southern Caucausus and Central Asia regions and the West; the language also addresses United States policy with regard to the independence of Southern Caucasus and Central Asia republics and resolutions of regional conflicts.

Sec. 579 Pakistan

The conference agreement includes language proposed by the Senate to amend section 239(f) of the Foreign Assistance Act of 1961 to exempt the Overseas Private Investment Corporation from provisions in the Foreign Assistance Act prohibiting OPIC activity in Pakistan and expressing the sense of the Congress that the Director of the Trade and Development Agency should "use funds made available" to promote United States exports to Pakistan. The conference agreement deletes language proposed by the Senate to amend section 638(b) of the Foreign Assistance Act of 1961 to exempt Pakistan from prohibitions on certain training activities. The House bill did not address this matter.

Sec. 580. Requirements for the reporting to Congress of the costs to the Federal Government associated with the proposed agreement to reduce greenhouse gas emissions

The conference agreement includes Senate language, except for a date change, requiring the President to report on federal expenditures for climate and global change programs and activities. The report is required by November 15, 1997, rather than October 15, 1997, as in the Senate amendment. The House did not address the matter. The managers are concerned about the Administration's failure to comply with a similar information request in the fiscal year 1997 Foreign Operations Export Financing and Related Programs Appropriations Act.

Sec. 581. Authority to issue insurance and extend financing

The conference agreement includes Senate language extending the operations of the Overseas Private Investment Corporation for two additional years within an overall credit ceiling of $29,000,000,000. It does not include a Senate provision extending the operations of the Export-Import Bank.

Sec. 582. Withholding assistance to countries violating United Nations sanctions against Libya

The conference agreement language is similar to that in the Senate amendment requiring the President to withhold 5 percent of the funds (other than humanitarian and development assistance) allocated to any country that is violating sanctions against Libya. The language also includes a provision to allow the President to waive this section if he determines that to do so is in the national security of the United States.

If the President exercises his waiver authority under this section, the determination is to be provided in writing to the Committees on Appropriations.

Sec. 583. War crimes prosecution

The conference agreement includes language similar to that in the Senate amendment that amends the War Crimes Act of 1996. The language is identical to the language of H.R. 1348, which passed the House of Representatives on July 29, 1997. This provision defines war crimes for the purposes of the War Crimes Act. The House bill did not address this matter.

Sec. 584. International military education and training programs for Latin America

The conference agreement includes language similar to that proposed by the Senate which provides that the Secretary of Defense, in consultation with the Secretary of State, should make every effort to ensure that approximately 30 percent of IMET funds for Latin America will be used to support enrollment in expanded IMET courses. In addition the conference agreement provides that the Secretary of State, in consultation with the Secretary of Defense, should identify sufficient numbers of qualified, nonmilitary personnel from countries in Latin America so that approximately 25 percent of the total of individuals from Latin American countries attending United States supported IMET programs and the Center for Hemispheric Defense Studies at the National Defense University are civilians. Not later than twelve months after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall report in writing to the appropriate committees of the Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next three fiscal years.

The House bill did not contain a provision on this matter.

Sec. 585. Aid to the Government of the Democratic Republic of Congo

The conference agreement modifies Senate language regarding assistance to the Democratic Republic of Congo. It would prohibit assistance to the central government of the Democratic Republic of Congo until the President reports that said government is cooperating fully with investigators from the United Nations in accounting for human rights violations committed in the Democratic Republic of Congo or adjacent countries. The House bill did not contain a provision on this matter.

Sec. 586. Assistance for the Middle East

The conference agreement inserts language which provides that of the funds appropriated by this Act under the headings "Economic Support Fund", "Foreign Military Financing", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", not more than a total of $5,402,850,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups, unless the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to exceed $5,402,850,000 and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations. The conference agreement also includes language which would prevent the use of prior year funds in the accounts listed in this section but allocated for recipients outside of the Middle East region to fund programs covered by the limitation on funds for Middle East countries and activities required by this section. The conferees included this provision in order to make certain that prior year funds for other regions such as Africa and Latin America would not be used to support Middle East related activities.

Sec. 587. Agriculture

The conference agreement modifies subsection (k) under the heading "Assistance for the New Independent States of the Former Soviet Union" in the Foreign Operations, Export Financing and Related Programs Act, 1997, by striking "not less that" and inserting "up to" with regard to $35,000,000 made available for agricultural projects, including those undertaken through the Food Systems Restructuring Program.

Sec. 588. Enterprise fund restrictions

The conference agreement includes a modification to Senate language limiting payments to enterprise fund personnel. the conferees agree to limit certain forms of future compensation unless notified in advance by the Committee on Appropriations.

Sec. 589 Cambodia

The conference agreement includes language stating the Secretary of the Treasury should instruct the United States Executive Directors of international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia. The language is similar to that included in the House bill and the Senate amendment.

Sec. 591. Development credit authority

The conference agreement provides $7,500,000 for a new enhanced credit authority and $500,000 to be derived from AID operating expenses. The managers intend for the credit facility to fund a program in the Russian Far East providing market rate loans and guarantees to finance non-sovereign and sovereign development projects. These projects shall concentrate on development of the energy sector, telecommunications and infrastructure requirements, especially improvements to ports. The managers believe U.S. expertise, technology and services have the potential to make a significant contribution to the development of the region's vast natural resources while generating income, jobs and economic growth. The managers believe this credit facility should complement resources and activities provided by U.S. trade promotion agencies to the private sector.

No later than 60 days after the date of enactment of this Act, the managers request a report from the Coordinator of Assistance for the New Independent State clarifying a development strategy for the Russian Far East including an evaluation of the current and potential contribution of each agency funded by this Act.

Sec. 592. Authorization for population planning

The conference agreement includes House language limiting to $385,000,000 the funds available under title II of this Act for population planning activities or other population assistance. The Senate included a separate appropriations account for these activities at a level of $435,000,000. The conference agreement also includes language providing for monthly apportionments for this funding at a level of not to exceed 8.34 percent.

CASH FLOW FINANCING

The conference agreement strikes language proposed by the House requiring that FMF procurements in excess of $100,000,000 which are approved for cash flow financing shall be subject to notification. A similar notification requirement is included in permanent law (Public Law 104–164). The Senate bill contained no provision on this matter.

RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

The conference agreement does not include language from the Senate amendment prohibiting the lifting of sanctions, prohibitions, or requirements of section 1511 of Public Law 103–160 regarding Serbia or Montenegro unless certain specified conditions are met. The House bill contained no provision on this matter.

USE OF AMERICAN RESOURCES

The conference agreement deletes House language regarding the use of American resources. However, this provision has been merged in its entirely with section 546 of the conference agreement.

GUATEMALA

The conference agreement strikes both the House and Senate language and includes under the heading "International Military Education and Training" language limiting Guatemala to expanded IMET only.

NORTH KOREA

The conference agreement deletes language proposed by the House which requires the Secretary of State, in consultation with the Secretary of Defense, to submit semiannual reports to the Committees on Appropriations on the status of the North Korean military. This report is already required in permanent law. The Senate bill did not contain a similar provision.

SENSE OF THE CONGRESS RELATING TO INTERNATIONAL ADOPTION LAWS AND PRACTICES OF PARAGUAY

The conference agreement deletes a Sense of the Congress resolution dealing with the plight of Americans seeking to adopt children in Paraguay. The managers have been informed by the Department of State that the Secretary has become personally involved in this matter, and that a new adoption law is expected to be passed in Paraguay at any time. The Senate amendment did not contain a provision on this matter.

WITHHOLDING OF ASSISTANCE TO AGENCY SUPPORTING NUCLEAR POWER PLANT IN CUBA

The conference agreement strikes language proposed by the House which would prohibit funds under the heading "Nonproliferation, Antiterrorism, Demining, and Related Programs" that are made available for the International Atomic Energy Agency from being made available for programs and projects in Cuba. The Senate bill had no similar provision. The conferees remain convinced that the Juragua nuclear facility in Cuba is extremely unsafe and should not be completed. The conferees therefore direct the Secretary of State, prior to the obligation of funds for the IAEA, to certify to the Committees on Appropriations that none of the funds provided will be used to facilitate the activation of the Juragua nuclear plant in Cuba.

LIMITATION ON PROCUREMENT OUTSIDE OF THE UNITED STATES

The conference agreement deletes House language restricting the use of United States funds in foreign countries to buy products or services, including defense articles or defense services, from certain other foreign nations. The Senate bill did not include a similar provision.

AUTHORIZATION FOR NATO EXPANSION

The conference agreement strikes a provision proposed by the House which provides

that no funds in this Act may be used to pay for NATO expansion not authorized by law. The conferees note that the authorization of funds to support the future enlargement of NATO's is within the purview of responsibilities of the relevant authorization committees of the House and Senate. The Senate did not include a similar provision.

TRANSFER AMENDMENT

The conference agreement deletes House language that reduced amounts otherwise available for the Economic Support Fund by $25,000,000 and increased the amount available for the African Development Fund by the same amount.

SENSE OF CONGRESS REGARDING COSTS OF THE PARTNERSHIP FOR PEACE PROGRAM AND NATO EXPANSION

The conference agreement strikes the House language on this matter, however, the conferees strongly support the intent of the language which states that all member nations of NATO should contribute their proportionate share to pay for costs of the Partnership for Peace program and any future costs attributable to NATO expansion. The conferees direct the Secretary of State, in consultation with the Secretary of Defense, to report to the appropriate committees of the Congress within 90 days of enactment of this Act on the efforts being undertaken by the United States to ensure that the United States does not bear an unfair or disproportionate share of the financial burden of NATO enlargement. The Senate amendment did not address this matter.

INTERNATIONAL FINANCIAL INSTITUTION POLICIES

The Senate provision relating to procurement opportunities available to United States suppliers and community participation in the planning and implementation of multilateral bank projects is incorporated in section 560 of the conference agreement.

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

The conference agreement deletes Senate language amending section 105 of Public Law 104–164 to extend the authorities of such section to fiscal years 1998 and 1999. The House bill did not contain a provision on this matter.

SENSE OF THE SENATE REGARDING ESTONIA, LATVIA, AND LITHUANIA

The conference agreement does not include Sense of the Senate language regarding Estonia, Latvia, and Lithuania, proposed by the Senate but not addressed in the House bill. The conferees strongly support increased security relations between NATO and the Baltic nations and the conference agreement includes a fifty percent increase over the level requested by the administration in grant Foreign Military Financing assistance for Latvia, Lithuania and Estonia.

PROMOTION OF RELIGIOUS FREEDOM AND HUMAN RIGHTS

The conference agreement does not include language proposed by the Senate, but not addressed in the House bill, regarding an annual report on religious persecution and establishing a Prisoner Information Registry. In addition, the Senate language contained a provision expressing the Sense of the Congress that a Commission on Security and Cooperation in Asia should be established.

The managers agree to defer to Leadership initiatives to move freestanding legislation on the major issue of religious freedom.

UNITED STATES INTELLIGENCE ACTIVITIES RELATED TO MONITORING HUMAN RIGHTS ABUSES AND RELIGIOUS PERSECUTION

The conference agreement deletes Senate language requiring the President to undertake additional reporting to the Intelligence Committees. The managers defer to the committees of jurisdiction in this matter.

SENSE OF THE SENATE ON THE EUROPEAN COMMISSION'S HANDLING OF THE BOEING AND MCDONNELL DOUGLAS MERGER

The conference agreement deletes Senate language expressing the Sense of the Senate regarding European objections to a merger of two major American firms. The House bill did not contain a provision on this matter.

USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP

The conference agreement deletes Senate language authorizing, notwithstanding any other provision of law, funds to be made available for activities in the People's Republic of China through the United States-Asia Environmental Partnership program. The House bill did not address this matter.

LIBERATION TIGERS OF TAMIL EELAM

The conference agreement deletes Senate language expressing the Sense of the Senate that the State Department should list the Liberation Tigers of Tamil Eelam as a terrorist organization. The House bill did not address this matter.

LIMITATION ON INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR PERU

The conference agreement deletes language proposed by the Senate prohibiting IMET funds for Peru unless the President certifies that the Government of Peru is taking all necessary steps to ensure that United States citizens held in prisons in Peru are accorded timely, open and fair legal proceedings in civilian courts. The House bill did not contain a similar provision.

The conferees direct the Secretary of State, the Secretary of the Treasury, and the Administrator of the Agency for International Development to use the diplomatic and financial resources and influence available to them to encourage the Government of Peru to take all necessary steps to ensure that United States citizens held in prisons in Peru are treated humanely and accorded timely, open and fair legal proceedings in civilian courts. The conferees request that, no later than March 1, 1998, the Secretary of State submit a report to the Committees on Appropriations describing the Administration's efforts to achieve these ends and the response of the Government of Peru.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follow:

New budget (obligational) authority, fiscal year 1997	$12,311,119,710
Budget estimates of new (obligational) authority, fiscal year 1998	16,888,168,980
House bill, fiscal year 1998	12,311,414,980
Senate bill, fiscal year 1998	16,859,708,000
Conference agreement, fiscal year 1998	13,190,968,080
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1997	+879,848,370
Budget estimates of new (obligational) authority, fiscal year 1998	−3,697,200,900
House bill, fiscal year 1998	+879,553,100
Senate bill, fiscal year 1998	−3,668,739,920

SONNY CALLAHAN,
JOHN EDWARD PORTER,
RON PACKARD,
JOE KNOLLENBERG,
MIKE FORBES,
JACK KINGSTON,
R.P. FRELINGHUYSEN,
BOB LIVINGSTON,
NANCY PELOSI,
SIDNEY R. YATES,
NITA M. LOWEY,
ESTEBAN E. TORRES,
DAVID OBEY,
Managers on the Part of the House.
MITCH MCCONNELL,
ARLEN SPECTER,
JUDD GREGG,
RICHARD SHELBY,
R.F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
TED STEVENS,
THAD COCHRAN,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
FRANK R. LAUTENBERG,
TOM HARKIN,
Managers on the Part of the Senate.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I have been very surprised to hear my colleague from Florida, Mr. GOSS, and my colleague from Illinois, Mr. HYDE, both of whom I have a great deal of respect for, decry this rule that has been in effect for so many years as too traditional. I think my colleague from Florida said times have changed, and the gentleman from Illinois talked about traditions having to change.

Mr. Speaker, I think that this is a tradition that should not change because it is based on protections that were put into place, in effect, in reaction to the McCarthy era of the House Un-American Activities Committee, specifically the Hollywood 10 hearing.

Mr. Speaker, we know, those of us who have seen clips or videos from that day, know that witnesses were filmed, blacklisted, their lives were destroyed. Why would we want to go back to that? Why do we not learn the lessons of the past and not repeat the mistakes that were made in the past?

Now I heard the gentleman from Florida [Mr. GOSS] say that we should not have to worry about possible abuse because if there was abuse, people would understand, they would react and say, well, that witness is being abused and is that not terrible that that is happening? Well, my colleagues know how TV is. People turn TV on and off. They might watch the individual being scrutinized or being harassed and not watch the reaction.

So the suggestion that somehow someone is going to be watching this process for half an hour or an hour and

2 hours and see both sides, that is not the way things often happen. People sometimes flick on the TV for a minute or two, and that person is defamed.

Then I heard the gentleman from Illinois [Mr. HYDE] say, well, this is a classic conflict of rights, the right of the public to know. Well, I think that there was an understanding when this rule was put into place that there was a conflict of rights and that this was the compromise. As was said previously, there is no reason. The cameras can come into the room, the cameraperson can come into the room, the broadcast media can be there, the print media can be there, they just cannot film the person while they are testifying. That was the compromise.

Mr. Speaker, I just am concerned that the type of protections that were talked about by my Republican colleagues are not going to exist. The gentleman from Illinois [MR. HYDE] said, well, someone will defend the witness; the gentleman from Pennsylvania [Mr. Kanjorski] or the gentleman from Massachusetts [Mr. MOAKLEY] or others will get up there and defend the witness.

We have no guarantee of that. We have no guarantee that the public is going to really understand or that they are going to watch the whole proceedings or that someone is going to step forward and defend the witness. That person is out there, they are out there on their own, and they should have the right to be able to turn off the camera, because it does happen on occasion that people are abused, and we do not want to go back to the mistakes of the past.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I thank the gentleman from Massachusetts for yielding this time to me.

I am in a very unusual position on this debate, Mr. Speaker, because for 24 years of my life I worked as a radio and television newscaster, and I had to stand up to authorities that did not want cameras to come in and show the light. But I want to tell you, in 5 years in the House of Representatives, I have seen an abuse by stories that are leaked out to the news media.

Mr. Speaker, last week I think was a prime example in the Committee on Commerce, the Subcommittee on Oversight and Investigations, when we had, leading up to a hearing on a company called Molten Metals that was associated with two former staffers of the Vice President, news leaks to all the newspapers telling us how, really, they thought these people were guilty. Then we saw a memo from the majority saying in fact they had no evidence, there was no smoking gun, but that this hearing or these hearings provided a wonderful opportunity to get news media, to bring the news media in and make people look like they are guilty, to make these people deny the allegations being brought before them.

That is not the way this House is supposed to run. That is not the way a democracy is supposed to run. We should be able to have hearings; we should be able to get to the bottom of these matters; we should have television as we have here. But when a witness must be subpoenaed, they should have the right to not be on television. They should have the right to be able to speak just for the printed record. We should not have a repeat of the kind of assassination in the news media that led to that individual back in 1957 feeling so outside the system that he had to take his own life.

We have seen recently, and whether it is the Republicans or whether it is the Democrats, we should not put up with an abuse of this system. A person being subpoenaed before the House of Representatives should be able to say whether or not they want to appear on television before the entire world, whether they want to be on trial before the entire world or whether they want to speak for the legislative record.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I will be brief.

As my colleagues know, the rule we are proposing to repeal allows a subpoenaed witness to arbitrarily, for no reason at all, to demand that TV cameras and radios be turned off, still photography cease, and radios again be turned off while the witness is testifying before a committee.

Now, as my colleagues know, I can recall when I was in the minority on the Foreign Affairs Committee, and the committee called Colonel Oliver North before us, and we had some majority members who got up and they derided and demeaned Ollie North.

And do my colleagues know what happened? I stood up as a minority member, and I told those Members that they were rude, they were crude, they were arrogant, and they could not carry Ollie North's water. Do my colleagues know what happened? They ended up looking bad on television back home before their constituents, and they shut up.

And any Member has that right. We used to do the same thing with a very arrogant subcommittee chairman who used to deride and demean members of the Reagan administration. Do my colleagues know what? We did the same thing to him. Do my colleagues know what happened after a little while? He became respectful. When he called witnesses, he treated them with a little respect.

That is all we have to do, stand up for the rights of these people.

Now by repealing this rule that lets subpoenaed witnesses arbitrarily force out TV and radio so that the American people cannot see them, my colleagues know they have a right to see those people. Mr. Speaker, if Members vote to repeal this antisunshine rule, we will then have rules identical to the Senate.

Now think about this. For the last 60 years, the Senate will have, or we will have the exact same rules as the Senate. I have never once watched anyone derided, defamed, or demeaned over in the Senate. Our rules would then end up exactly the same.

Members should know that if they come over here and they vote no on this rule, they are turning off the TV coverage to their constituents. If they vote yes, they are voting to leave that TV on so that they could see what we are doing down here.

Mr. Speaker, I am going to advise my colleagues to get over here and vote yes on this.

Mr. Speaker, I thank the gentleman from Sanibel, Florida for yielding to me to support a measure which will provide for more sunshine in committee proceedings, and will enhance public interest and education in Congress.

In several high-profile congressional investigations in recent years certain witnesses, subpoenaed to appear before House committees, have invoked a little-known House rule which denied all media the ability to fully report on those proceedings.

This House rule allows a subpoenaed witness to arbitrarily demand that TV cameras be turned off, still photography cease, and radio coverage end as well, while the witness is testifying before the committee.

The assertion of this right before several committees since the late 1980's have given many Members—on both sides of the aisle—firsthand experience with the rule.

Several Members who are very active in their committee work have found the rule frustrating and have approached me on the House floor to discuss it.

Congressional hearings serve an important educational role in our system of government. Opponents of this rule change will rightly point out that federal courts are not televised.

Congressional investigative hearings serve a completely different constitutional purpose—oversight of the nation's laws, educating the public about the activities of their government, and ultimately, a legislative function.

Before we can properly make new laws, we must fully understand the functioning of current laws.

Mr. Speaker, the sweeping changes in electronic communications, and the vast number and scope of news media outlets available to cover government events, has also led Members to wonder if this rule may be archaic.

The Chairman of the Executive Committee of the Radio-Television Correspondents' Galleries, Mr. Vic Ratner, wrote to the Rules Committee for the second year in a row requesting that the Committee repeal this House rule.

This rule, the Radio-TV Correspondents' rightly argue, unfairly discriminates against the electronic media.

The print press, when this rule is invoked, are allowed to use the tools of their trade—pad and pen—while cameras and mikes are switched off.

The Rules Committee found the practical concerns of Members and the arguments of the Radio-TV Correspondents' be well-founded.

By repealing this rule, House committees, in their infinite wisdom, can consider whether to close a meeting and expel all press and public, if an assertion is made that testimony may tend to defame, degrade, or incriminate any person.

Witnesses enjoy several important protections, which require committee votes, under current House rules. (clauses 2 (g) and (k) of rule 11). These rules will remain in effect, if we proceed to repeal this arbitrary no-cameras rule.

House Members may be so accustomed to TV coverage of the House floor and its committees that they may forget that for many years the practice of the House was to not allow television broadcast of committee proceedings.

It was not until 1970 that the House permitted committees the ability to adopt rules allowing TV broadcast coverage, if a committee voted to do so.

In 1995, as part of the historic Republican opening day reform package, we revised this rule to allow more sunshine to illuminate committee proceedings for the public.

Under the new House rule, any meeting or hearing must be open to all media coverage if the session is open to the public, which in fact most hearings and meetings are.

I consider House Resolution 301 a natural follow-through to those sunshine reforms adopted at the beginning of the 104th Congress.

I believe the House can, from time to time, adapt itself to new technology and at the same time assist in the education of the public about Congress.

We should keep in mind that an informed citizenry is critical to the success of our Republic.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I still say the people's right of privacy is probably a little more important than the people's right to know, and individuals where people are mandated to come before a committee without any protection, they cannot rebut the committee. As chairman or as Member, they cannot cross-examine them. A person is just helpless, and a hostile Congressman could really make an upstanding citizen look like a criminal.

Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Speaker, I thank the gentleman for yielding me such time.

Mr. Speaker, I come before my colleagues in opposition to this rule, and I will give them just a few very quick examples of why we should not be passing that.

I listened very intently to what the gentleman from New York [Mr. SOLOMON] said. He is very right in terms of allowing the people back home to see what we do. Very important, because if we misbehave, they can see that.

But last week before the Committee on Banking and Financial Services, we had a very important witness. She came in and testified with regard to drug cartel money and how it is laundered through Colombian banks, United States businesses and United States banks, and we as members of the Committee on Banking and Financial Services were very, very attentive to her situation and what she was saying. She provided us with very important information.

But the fact of the matter is, she also was part of that laundering of drug money. She came before us even though there were threats on her life. She came before us because she wanted to provide this information to us.

In order to protect this witness who came without subpoena before the Committee on Banking and Financial Services, she was screened off from the press, although they could hear her testimony, no TV cameras, no photographs, and her voice was disguised.

Now, if she were to be subpoenaed before our committee, she would not have the right to say no TV cameras, no photographs. Only we, as Members of Congress, or the chairman could say that.

□ 1945

That is wrong, because clearly this witness was providing valuable information to us as Members of Congress, and we would have been putting her life in danger. This rule would remove that. This is wrong.

For those people who think we, in fact, have to have cameras all the time, I would say to them this is not the land of Shirley Temple or the Wizard of Oz. This is not Hollywood, this is the U.S. Congress. Respect people's rights. Get the information and testimony you need, and do not, do not, take away the personal rights, and particularly in a case like this, potentially their life.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would make a few points. I have listened very closely to the debate here and up in the Committee on Rules, and there has been a good deal of Member interest. We have talked about this in our conference and with a lot of Members who have asked questions about this. I think that we are getting to the point where we are beginning to understand here that the truth is what matters; the truth of what actually happens is what is important.

I guess I could find some instances where people have been savaged in print and saved by TV. I do not know how many instances there are, but I suspect that Ollie North might think that he was such a person, and probably many other people would think that.

It is very hard to explain away nervousness for people who speak before cameras. Some people are more accustomed to it than others. Some people take it more naturally than others. But the fact is nervousness as you are speaking tends to evoke sympathy. People viewing would say, gee, if there is a problem there, it is understood. If it is so egregious, there is a way for the committee to deal with that.

I think you can go on with the statement about mistakes show up on TV, and they do show up. Congress occasionally makes mistakes, and when they show up on TV, it is useful for people to see we make mistakes, learn from them, and go on to the next thing, rather than hide the mistakes and sweep them under the rug, which I think the American people are truly tired of. I think when a panel beats up on a witness, and I can think of a few cases where that happens, there is generally sympathy in this country for the witness, and less than sympathy for the panel.

So I think as you go through this and take a look at all of the examples that have been suggested to us, we are talking about a problem that does not really exist. We are not changing the Constitution, we are not changing the laws of the land, and we are not going into some new horizon. We are doing what the other body does.

I note that all of the media support this resolution, all of the media, the print media, the broadcast media, the TV media. Everybody wants to be sure that the media can operate as the watchdog that we expect the media to be, without the spin doctors, without the filters, the raw truth of what actually is happening there.

I have great faith that the people in our country, the people who elect us, the people who hire us and fire us in the people's House, are smart enough and capable enough to discern what is right and what is not right. I think they understand grandstanding. I think they understand a charade when they see it. I think they understand spin when they see it. I think it is important to see it, and that is why we are moving the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan [Mr. DINGELL], a gentleman who has conducted more hearings than anybody in this House and has been more successful in his hearings probably than anybody else in the House.

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from Michigan is recognized for 3½ minutes.

Mr. DINGELL. Mr. Speaker, I thank my good friend for yielding me time.

Mr. Speaker, as my good friend and colleague, the ranking minority member of the Committee on Rules, has observed, I have conducted probably more hearings of an investigative character than anybody in this body. Never have I been inhibited, nor has our committee ever been inhibited, by the presence of the rule before us. We were always able to get the facts out, and the media, regardless of whether they were print or electronic, were always able to get the story back to the American people about what was going on and what the witness said.

The whole verbatim testimony can be made available through any of the media. The only thing is that we preserve some small shred of dignity to the individual who appears before a congressional committee to say, I do not want to be photographed here by cameras from the stills or movies or other kinds of electronic cameras, and to be protected in that right. He can be photographed going in; he can be photographed going out. All the media is present in the room and can take down his testimony verbatim and publish it the following day or that same day. They can put it on the 5, 6, 10 or 11 o'clock news. The witnesses who appear before him and after him can be photographed in full.

I do not think that this is too much to ask, because what it is really about here is decency. Never, as I mentioned, have we been thwarted in getting the full facts.

This rule that is now in place was put in place at the suggestion of a Republican Member in the House, the future leader in the Senate, Hugh Scott, when the Republicans last controlled this body.

It was because of the unseemly spectacle of Congressional investigations, where Members of Congress abused and bullied and harassed witnesses, and when irresponsible charges were made about the loyalty of decent and law-abiding citizens, and when the reputations of ordinary Americans were destroyed.

We are not talking about, I remind you, about getting the full facts. The full facts will come out. The media will have full access to the facts and full participation in the process. The only thing is some small shred of decency will be afforded to the individuals. Hearsay testimony is permitted in investigations. Members of Congress can say or do anything in the course of a hearing, regardless of how false, slanderous, defamatory or outrageous it might happen to be.

It should be noted that the whole matter finally came to an end when the counsel for the Army appeared before a Senate committee, Mr. Joseph Welch, and he had to say it. Senator McCarthy had made one more outrageous accusation, at this time about a member of Welch's law firm, and Welch looked the Senator in the eye and he simply said, "Have you no decency, sir?"

I think that that is really the question. It is not about rights of the public to know. The public will know. The public will have the story reported to them in full, in extraordinary detail. The public will understand. The individual will have some small shred of decency afforded to him. The witnesses before him and after him will be heard. The public can make an intelligent choice.

Never, never, never in all the 14 years that I have run investigative committees have we in any way been inhibited from getting the story to the American people. They can know, they should know, and they will know, under the current rules. This is unnecessary.

Mr. Speaker, we are here tonight debating a change of the House Rules because the Rules Committee and members of the Government Reform and Oversight Committee want to repeal a rule protecting the right of a witness subpoenaed to appear before Congress. The current rule allows a subpoenaed witness to request that cameras and broadcast microphones be turned off. All members of the press, both broadcast and print, may remain at the hearing and report on the hearing, much like they would report on a trial that has no TV cameras present. The hasty repeal of a rule that dates back to 1970, and has its genesis in the post-McCarthy era, is wrong.

I have probably conducted more investigative hearings than any current Member of Congress, and I can state categorically that this rule is rarely invoked and has never thwarted a full investigation into the truth, nor a full reporting of the facts.

I know of no reason why this rule is being rushed to the floor. Television media are not disadvantaged by this rule. Reporters may stay in the room and report exactly what occurred in the hearing. They may report the testimony verbatim, just as print journalists may. Yes, we do give the right to turn off the camera to the witness who is forced against his or her will to be here, but there is a good reason.

The rule protecting a witness from unwanted cameras was first proposed by then-Representative and future Senate Republican Leader Hugh Scott in 1954 when Republicans last controlled the House. At that time, the unseemly spectacle of Senator Joseph McCarthy calling in dozens of American citizens, some famous and some not, before a national television audience to defend their reputations was fresh in the public's mind. Three years later, in 1957, a young researcher called before the House Un-American Activities Committee committed suicide, because, as he wrote in his suicide note, he had a "fierce resentment of being televised."

On one occasion at a hearing I conducted, a witness, Michael Milken, requested that the cameras be turned off. I immediately honored the request. He was represented by the late Edward Bennett Williams, my former law professor, and a man I deeply respected. He had explained the reasoning behind this witness right in his 1962 book, One Man's Freedom: "The average person is extremely nervous when he appears before any court or committee. It is unfair to ask him to appear before the entire country as well."

We do not need a return to the McCarthy excesses of the 1950's, nor a repeat of the tragedy of 1957. Along with all Americans I want openness in government, but the American people are also sensitive to the possible consequences of an unrestrained media force on individuals who do not want this attention.

A witness who is forced to appear before a committee of Congress has very few rights. He may not confront his accusers through cross-examination. Objections to questions may be easily overruled by the chairman. Hearsay testimony is permitted. Under the Speech and Debate clause of the Constitution, Members of Congress may say anything during the course of a hearing, even if it is false, slanderous, or defamatory.

The purpose of the rule that is being repealed is to show that the Congress does, in fact, respect the individual. It shows that whether or not the Constitution provides a right to some form of privacy, that the Congress respects the right of an individual not to be improperly harassed.

There was a time in our not too distant past when certain Congressmen and Senators forgot about the importance of showing respect to the individual. We should not forget those terrible McCarthy hearings, which brought such disrespect upon the Congress. The American people intuitively knew what was taking place was wrong, but it took the eloquent words of the counsel to the Senate committee, Joseph Welch to say it. When Senator McCarthy had made yet one more accusation, this time about a member of Welch's law firm, Welch look the Senator in the eye, and simply said, "Have you no decency, sir at long last?"

That is what this rule is about—simple decency. It is a recognition that whether the Congress has nearly limitless power to investigate, simple rules of decency must apply. Maybe the individual is afraid of cameras; maybe the individual has a disability; maybe the individual has a religious objection to cameras. It matters not what the reason is. The existing rule is a statement that this House will conduct itself with a respect of the individual. It is the one rule that a single individual may invoke. No majority of the committee can override this rule.

In the end, the benefits of the rule will go not just to the individual, but to the Congress itself, because if we are not seen as fair, as respectful, and decent, we only hurt the respect for this institution.

The Congress has already voted that the investigative phase of allegations of misconduct by Members before the Committee on Standards of Official Conduct will be conducted without the cameras running. Should not every American have the same right as a Member of Congress?

Vote no on this dangerous return to our past.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. I thank the gentleman from Florida for yielding me time.

Mr. Speaker, I am the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce. We have not issued a subpoena in the 3 years that we have been in the majority on that subcommittee. I would like to just make a couple of points.

Number one, whether we have this rule change or not, the Congress gives the power to ultimately decide whether to televise or not televise to the television networks. They have the right under the first amendment to choose to televise or not to televise. We are not changing that.

Number two, any witnesses that are not subpoenaed do not have the right to revoke television coverage. If they choose to appear voluntarily before our committee, and the networks choose to televise that particular hearing, then it is televised.

Number three, if we grant this rule change, the committee still has the authority to vote to prohibit cameras if there is a sensitivity involved in the issue that the majority of that committee on a bipartisan basis feels that it should not be televised.

So I would hope that we would vote this rule change. We should not give a witness the right to prevent the American people from knowing what it is that a witness is or is not going to say when it is a national issue and an issue of pressing public policy.

Again, I would reiterate the Subcommittee on Oversight and Investigations of the Committee on Commerce has yet to issue a subpoena to any witness in the 3 years we have been in the majority. We ask our witnesses to appear voluntarily, and I would say 95 percent of the time the witnesses do appear.

So I hope we vote for the rule change and let the American people know what it is that is going on before the committees of Congress.

Mr. GOSS. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Georgia is recognized for 8 minutes.

Mr. GINGRICH. Mr. Speaker, I do appreciate very much the gentleman from Florida yielding me this time. I will not use it all.

I wanted to rise on this topic because I think it is a very, very important question for the House, and one that every Member of the House should weigh in their own conscience.

I came to the U.S. House as a freshman in 1978, in the election of 1978. I was sworn in in January of 1979, and the House was dark. Only in April of that year was television permitted in the House, and at the time there were many cries that it would permanently ruin the process. The Senate at that time refused to be televised.

Over a period of years, several things happened. We live in an electronic age. We live in an age where people use the Internet, they use television, they use radio, they surf the Net, they surf channels. And in that electronic age, Senators began to realize that, all of a sudden, the coverage which had historically been dominated by the Senate was shifting to the House because it was a more immediate, a more real, a more vivid institution.

I think today if someone were to come to the floor and say, let's repeal televising the House, let's close down C–SPAN, let's make it impossible to take televised debate off the floor of the House, people would look at them in wonderment. They would say, how could you think of that? Because the modern news is in large part an electronic news. It is a process of immediacy that is quite unusual.

Now we come to the question of committees. What is the purpose of holding a committee hearing? It is to learn the truth, to listen to opinions, to inform the Members and to inform the public.

We live in an age where murder trials are televised; we live in an age where television is virtually ubiquitous; we live in an age where people are pretty aware of and sensitive to the process of television. And what is the proposed change here? What is this dramatic, bold new breakthrough? It is to adopt the rules which are already in force in the Senate. That is right, exactly the same protections that already exist in the Senate.

Now, I have yet to hear any Senator suggest that the Senate should quit televising hearings. I have not heard a single Democrat or Republican suggest that there is anything wrong with any hearing on any topic, as long as it does not involve national security.

If it involves defamation of a person, if it involves something which could affect their livelihood, the committee in the House or the committee in the Senate has the right to close the hearing for good reason. If it involves national security, the committee has the right to exclude the media for good reason.

But the normal, standard set in the Senate is that a hearing is a hearing, and that this is the people's Congress, and, therefore, the people have a right to access; and in the modern era the most effective method of access is electronics, which means radio and television.

Now, what about the witnesses' rights? They are not changed at all. The witness arrives, accompanied by an attorney. The witness has all of the legal protections given them. The witness has every right to refuse to testify. The witness has every right to seek protection of the fifth amendment. The witness has every right to clarify. None of those protections for the witness are changed.

Our friends would suggest that there is somehow a magic difference between the same witness with the same attorney in the same hearing answering the same question, having it recorded by a newspaper in print and having it broadcast by radio or television.

□ 2000

But I think that is to miss the entire revolution of our generation.

What is making the world different is the ability to have an electronic relationship that is real and vivid. At a time when the O.J. Simpson trial was available to every citizen; at a time when city councils are open to camera in Smyrna, Georgia; for example, every Monday night is city council night in Smyrna, and every citizen in Smyrna can watch, unless they are discussing a personnel decision that is sensitive. But to suggest that we should now retain a 1957 rule, at a time, by the way, when there was no television in the House; in Sam Rayburn's day, they did not have televised House proceedings. But now, in the modern era, I think it is wrong.

I would just pose this before any of my friends in the Democratic Party vote "no." I do not believe one can find a single Democratic Senator who would seek to go back and bar cameras and microphones from a Senate hearing. I do not believe one can find a single Member who has served in the Senate who would seek to go back and bar television and radio from a hearing. If, in the last 40 years, it has done no damage to witnesses in the Senate, what is it we are afraid of that it would do in the House?

The time has come to open the committees, just as when I was a freshman we opened up the House Chamber. Just as C–SPAN was good for the House Chamber, I believe the same coverage in the committees will be good, and I urge every Member to vote for this change, to bring the full light of complete news media coverage into the hearings of the United States House.

Mr. GOSS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, on that I demand the yeas and yeas.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on

each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken later.

SURFACE TRANSPORTATION EXTENSION ACT OF 1997

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1519) to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

The Clerk read as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Extension Act of 1997".

SEC. 2. ADVANCES.

(a) IN GENERAL.—The Secretary of Transportation (referred to in this Act as the "Secretary") shall apportion funds made available under section 1003(d) of the Intermodal Surface Transportation Efficiency Act of 1991 to each State in the ratio that—

(1) the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; bears to

(2) all States' total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for the Interstate maintenance program, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, minimum allocation under section 157 of title 23, United States Code, Interstate reimbursement under section 160 of that title, the donor State bonus under section 1013(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1940), hold harmless under section 1015(a) of that Act (105 Stat. 1943), 90 percent of payments adjustments under section 1015(b) of that Act (105 Stat. 1944), section 1015(c) of that Act (105 Stat. 1944), an amount equal to the funds provided under sections 1103 through 1108 of that Act (105 Stat. 2027), and funding restoration under section 202 of the National Highway System Designation Act of 1995 (109 Stat. 571).

(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

(A) the amount apportioned to the State under subsection (a); by

(B) the ratio that—

(i) the amount of funds apportioned for the item, or allocated under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027), to the State for fiscal year 1997; bears to

(ii) the total of the amount of funds apportioned for the items, and allocated under those sections, to the State for fiscal year 1997.

(3) USE OF FUNDS.—Amounts apportioned to a State under subsection (a) attributable to sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 shall be available to the State for projects eligible for assistance under chapter 1 of title 23, United States Code.

(4) ADMINISTRATION.—Funds authorized by the amendment made by subsection (d) shall be administered as if they had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deduction under section 104(a) of title 23, United States Code, the set-asides under section 104(b)(1) of that title for the territories and under section 104(f)(1) of that title for metropolitan planning, and the expenditure required under section 104(d)(1) of that title shall not apply to those funds.

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall reduce the amount that would, but for this section, be apportioned to a State for programs under chapter 1 of title 23, United States Code, for fiscal year 1998 under a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount that is apportioned to each State under subsection (a) and section 5(f) for each such program.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) is amended by adding at the end the following:

"(d) ADVANCE AUTHORIZATIONS.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2(a) of the Surface Transportation Extension Act of 1997 $5,500,000,000 for the period of November 16, 1997, through January 31, 1998.

"(2) SPECIAL RULE.—Funds apportioned under subsection (a) shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) AUTHORIZATION.—Notwithstanding section 157(e) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 157 of title 23, United States Code, not to exceed $15,460,000 for the period of January 26, 1998, through January 31, 1998.

"(2) ALLOCATION.—The Secretary shall allocate the amounts authorized under paragraph (1) to each State in the ratio that—

"(A) the amount allocated to the State for fiscal year 1997 under section 157 of that title; bears to

"(B) the amounts allocated to all States for fiscal year 1997 under section 157 of that title.

"(f) CONTRACT AUTHORITY.—Funds authorized under subsections (d) and (e) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.".

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), after the date of enactment of this Act, the Secretary shall allocate to each State an amount of obligation authority made available under the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66) that is—

(A) equal to the greater of—

(i) the State's unobligated balance, as of October 1, 1997, of Federal-aid highway apportionments subject to any limitation on obligations; or

(ii) 50 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; but

(B) not greater than 75 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

(2) LIMITATION ON AMOUNT.—The total of all allocations under paragraph (1) shall not exceed $9,786,275,000.

(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998, until the earlier of the date of enactment of a multiyear law reauthorizing the Federal-aid highway program or July 1, 1998.

(B) REOBLIGATION.—Subparagraph (A) shall not preclude the reobligation of previously obligated funds.

(C) DISTRIBUTION OF REMAINING OBLIGATION AUTHORITY.—On the earlier of the date of enactment of a law described in subparagraph (A) or July 1, 1998, the Secretary shall distribute to each State any remaining amounts of obligation authority for Federal-aid highways and highway safety construction programs by allocation in accordance with section 310(a) of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66).

(D) CONTRACT AUTHORITY.—No contract authority made available to the States prior to July 1, 1998, shall be obligated after that date until such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted.

(4) TREATMENT OF OBLIGATIONS.—Any obligation of an allocation of obligation authority made under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 1998 for the purposes of the matter under the heading "(LIMITATION ON OBLIGATIONS)" under the heading "FEDERAL-AID HIGHWAYS" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66).

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) IN GENERAL.—In addition to any other authority of a State to transfer funds, for fiscal year 1998, a State may transfer any funds apportioned to the State for any program under section 104 (including amounts apportioned under section 104(b)(3) or set aside or suballocated under section 133(d)), 144, or 402 of title 23, United States Code, before, on, or after the date of enactment of this Act, granted to the State for any program under section 410 of that title before, on, or after such date of enactment, or allocated to the State for any program under chapter 311 of title 49, United States Code, before, on, or after such date of enactment, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program

under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to a program under section 133 (other than subsections (d)(1) and (d)(2)) of title 23, United States Code, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are not authorized may be restored to the Federal-aid highway, highway safety, and motor carrier safety programs.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—No provision of law, except a statute enacted after the date of enactment of this Act that expressly limits the application of this subsection, shall impair the authority of the Secretary to restore funds pursuant to this subsection.

(d) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) EXPENSES OF FEDERAL HIGHWAY ADMINISTRATION.—

(1) AUTHORITY TO BORROW.—

(A) FROM UNOBLIGATED FUNDS AVAILABLE FOR DISCRETIONARY ALLOCATIONS.—If unobligated balances of funds deducted by the Secretary under section 104(a) of title 23, United States Code, for administrative and research expenses of the Federal-aid highway program are insufficient to pay those expenses for fiscal year 1998, the Secretary may borrow to pay those expenses not to exceed $60,000,000 from unobligated funds available to the Secretary for discretionary allocations.

(B) REQUIREMENT TO REIMBURSE.—Funds borrowed under subparagraph (A) shall be reimbursed from amounts made available to the Secretary under section 104(a) of title 23, United States Code, as soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—In addition to funds made available under paragraph (1), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative and research expenses of the Federal-aid highway program $158,500,000 for fiscal year 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(3) USE OF CERTAIN ADMINISTRATIVE FUNDS.—Section 104(i)(1) of title 23, United States Code, is amended by inserting ", and for the period of October 1, 1997, through March 31, 1998," after "1997".

(b) BUREAU OF TRANSPORTATION STATISTICS.—Section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2172) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Chapter I"; and

(2) in the first sentence of subsection (b)—

(A) by striking "1996, and" and inserting "1996,"; and

(B) by inserting before the period at the end the following: ", and $12,500,000 for the period of October 1, 1997, through March 31, 1998".

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) FEDERAL LANDS HIGHWAYS.—Section 1003(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) in subparagraph (A)—

(A) by striking "1992 and" and inserting "1992,"; and

(B) by inserting before the period at the end the following: ", and $95,500,000 for the period of October 1, 1997, through March 31, 1998";

(2) in subparagraph (B)—

(A) by striking "1995, and" and inserting "1995,"; and

(B) by inserting before the period at the end the following: "and $86,000,000 for the period of October 1, 1997, through March 31, 1998"; and

(3) in subparagraph (C)—

(A) by striking "1995, and" and inserting "1995,"; and

(B) by inserting before the period at the end the following: ", and $42,000,000 for the period of October 1, 1997, through March 31, 1998".

(b) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) (as amended by section 2(d)) is amended by adding at the end the following:

"(e) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 104(h) of title 23, United States Code, is amended by inserting 'and $7,500,000 for the period of October 1, 1997, through March 31, 1998' after '1997'.".

(c) CERTAIN ALLOCATED PROGRAMS.—

(1) HIGHWAY USE TAX EVASION.—Section 1040(f)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended in the first sentence by inserting before the period at the end the following: "and $2,500,000 for the period of October 1, 1997, through March 31, 1998".

(2) SCENIC BYWAYS PROGRAM.—Section 1047(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1998) is amended in the first sentence—

(A) by striking "1994, and" and inserting "1994,"; and

(B) by inserting before the period at the end the following: ", and $7,000,000 for the period of October 1, 1997, through March 31, 1998".

(d) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 6058(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended—

(1) by striking "1992 and" and inserting "1992,"; and

(2) by inserting before the period at the end the following: ", and $47,000,000 for the period of October 1, 1997, through March 31, 1998".

(e) SURFACE TRANSPORTATION RESEARCH.—

(1) OPERATION LIFESAVER.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the operation lifesaver program under section 104(d)(1) of title 23, United States Code, $150,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the Dwight David Eisenhower Transportation Fellowship Program under section 307(a)(1)(C)(ii) of title 23, United States Code, $1,000,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(3) NATIONAL HIGHWAY INSTITUTE.—Section 321(f) of title 23, United States Code, is amended by adding at the end the following: "There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $2,500,000 for the period of October 1, 1997, through March 31, 1998, and such funds shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.".

(4) EDUCATION AND TRAINING PROGRAM.—Section 326(c) of title 23, United States Code, is amended by adding at the end the following: "There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $3,000,000 for the period of October 1, 1997, through March 31, 1998, and such funds shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.".

(f) METROPOLITAN PLANNING.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 134 of title 23, United States Code, $78,500,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(2) DISTRIBUTION OF FUNDS.—The Secretary shall distribute funds authorized under paragraph (1) to the States in accordance with section 104(f)(2) of title 23, United States Code.

(g) TERRITORIES.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) (as amended by subsection (b)) is amended by adding at the end the following:

"(f) TERRITORIES.—

"(1) IN GENERAL.—In lieu of the amounts deducted under section 104(b)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands $15,000,000 for the period of January 26, 1998, through January 31, 1998.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available

for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.".

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) NHTSA HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2079) is amended—

(1) by striking "1996, and" and inserting "1996,"; and

(2) by inserting before the period at the end the following: ", and $83,000,000 for the period of October 1, 1997, through March 31, 1998"; and

(b) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.—Section 410 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "5" and inserting "6"; and

(B) in paragraph (3), by striking "and fifth" and inserting "fifth, and sixth";

(2) in subsection (d)(2)(B), by striking "two" and inserting "3"; and

(3) in the first sentence of subsection (j)—

(A) by striking "1997, and" and inserting "1997,"; and

(B) by inserting before the period at the end the following ", and $12,500,000 for the period of October 1, 1997, through March 31, 1998".

(c) NATIONAL DRIVER REGISTER.—Section 30308(a) of title 49, United States Code, is amended—

(1) by striking "1994, and" and inserting "1994,"; and

(2) by inserting after "1997," the following: "and $1,855,000 for the period of October 1, 1997, through March 31, 1998,".

SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraphs (1) through (5), by striking "not more" each place it appears and inserting "Not more"; and

(2) by adding at the end the following:

"(6) Not more than $45,000,000 for the period of October 1, 1997, through March 31, 1998.".

SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087–2140) is amended by adding at the end the following:

"SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.

"(a) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting ', and for the period of October 1, 1997, through March 31, 1998' after '1997'.

"(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 5337 of title 49, United States Code, is amended—

"(1) in subsection (a), by inserting 'and for the period of October 1, 1997, through March 31, 1998,' after '1997,'; and

"(2) by adding at the end the following:

"'(e) SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).'.

"(c) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

"(1) in subsection (a)—

"(A) in paragraph (1), by adding at the end the following:

"'(F) $1,328,400,000 for the period of October 1, 1997, through March 31, 1998.'; and

"(B) in paragraph (2), by adding at the end the following:

"'(F) $369,000,000 for the period of October 1, 1997, through March 31, 1998.';

"(2) in subsection (b)(1), by adding at the end the following:

"'(F) $1,131,600,000 for the period of October 1, 1997, through March 31, 1998.';

"(3) in subsection (c), by inserting 'and not more than $1,500,000 for the period of October 1, 1997, through March 31, 1998,' after '1997,';

"(4) in subsection (e), by inserting 'and not more than $3,000,000 is available from the Fund (except the Account) for the Secretary for the period of October 1, 1997, through March 31, 1998,' after '1997,';

"(5) in subsection (h)(3), by inserting 'and $3,000,000 is available for section 5317 for the period of October 1, 1997, through March 31, 1998' after '1997';

"(6) in subsection (j)(5)—

"(A) in subparagraph (B), by striking 'and' at the end;

"(B) in subparagraph (C), by striking the period at the end and inserting '; and'; and

"(C) by adding at the end the following:

"'(D) the lesser of $1,500,000 or an amount that the Secretary determines is necessary is available to carry out section 5318 for the period of October 1, 1997, through March 31, 1998.';

"(7) in subsection (k), by striking 'or (e)' and inserting '(e), or (m)'; and

"(8) by adding at the end the following:

"'(m) SECTION 5316 FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period of October 1, 1997, through March 31, 1998:

"'(1) $125,000 to carry out section 5316(a).

"'(2) $1,500,000 to carry out section 5316(b).

"'(3) $500,000 to carry out section 5316(c).

"'(4) $500,000 to carry out section 5316(d).

"'(5) $500,000 to carry out section 5316(e).'.".

SEC. 9. EXTENSION OF TRUST FUNDS FUNDED BY HIGHWAY-RELATED TAXES.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "1997" and inserting "1998"; and

(ii) by striking the last sentence and inserting the following new flush sentence: "In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of this sentence.";

(B) in paragraph (4)(A), by striking "1997" and inserting "1998";

(C) in paragraph (5)(A), by striking "1997" and inserting "1998"; and

(D) in paragraph (6)(E), by striking "1997" and inserting "1998"; and

(2) in subsection (e)(3)—

(A) by striking "1997" and inserting "1998", and

(B) by striking all that follows "the enactment of" and inserting "the last sentence of subsection (c)(1)."

(b) AQUATIC RESOURCES TRUST FUND.—Section 9504(c) of the Internal Revenue Code of 1986 (relating to expenditures from Boat Safety Account) is amended by striking "April 1, 1998" and inserting "October 1, 1998".

(c) NATIONAL RECREATIONAL TRAILS TRUST FUND.—Section 9511(c) of the Internal Revenue Code of 1986 (relating to expenditures from Trust Fund) is amended by striking "1997" and inserting "1998".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to report to the House that we have concluded our negotiations with the Senate and indeed, essentially the 6-month extension of ISTEA, which passed this House unanimously, as a fundamental basis upon which we now come back to the House with this Senate bill, this compromise bill, which is a 6-month extension of ISTEA, provides for approximately $10 billion in funding that is available from the old ISTEA, plus $5.5 billion in new funds to be distributed in such a fashion that each State will get approximately 50 percent of its 1997 obligational ceiling, which means that we do not deal with the formula issue. That could well be a nuclear war that will take place next spring, but that is fine. That is when it should take place.

This bill is simply a short-term extension which follows the strong view of the House, which is the long-term battle for the future funding of transportation infrastructure in America is a battle that should be fought within the context of the budget resolution next spring. So on a bipartisan basis, we bring this before the body under suspension of the rules and urge its passage.

S. 1519 represents a compromise between the House and the Senate which is the result of difficult negotiations between the two bodies over the past several days. Many hard decisions had to be made in order to ensure that State programs will continue to operate until we can resolve outstanding funding and policy issues after the budget debate next year.

The bill provides $5.5 billion in new budget authority as advances to States, equivalent to 3 months of funding. Funds are distributed in a manner similar to the House bill, based on the fiscal year 1997 distribution of obligational authority.

All advances of new budget authority will be subtracted from each State's ultimate distribution of funding for fiscal year 1998 in the ISTEA reauthorization.

S. 1519 distributes $9.8 billion in obligation authority to the States. Each State receives the higher of 50 percent of its fiscal year 1997 allotment of obligation authority or the total of its unobligated balances—but only in an amount up to 75 percent of its 1997 obligation authority.

This distribution was a concession on the part of the House, but I would note that it is, in fact, the distribution that would have been made by the Federal Highway Administration if no short-term extension were enacted.

The bill imposes a hard deadline on obligations of May 1, 1998. States may obligate Federal funds after that date only when a multi-year reauthorization of surface transportation programs has been enacted.

Because States will have to rely in part on unobligated balances, States are given flexibility to transfer both unobligated funds and new funds from any program category to another program category. However, those funds are required to be paid back once a multi-year reauthorization is enacted.

The bill ensures that a formula change effective for 1998 can be implemented for new budget authority for all States and for obligation authority for virtually all States.

Sufficient funding is provided for nearly a full year of Federal Highway Administration operations, and allocated programs continued in both the House and Senate reauthorization bills are funded at 50 percent of their 1997 levels.

For the transit program, S. 1519 includes provisions as in the House bill providing funding at 50 percent of fiscal year 1997 levels. Formula grant programs are funded at $1.3 billion and discretionary grants are funded at $1.1 billion.

Safety programs and motor carrier safety programs are also funded as in the House bill—with $83 million for the section 402 safety program, $12 million for the Section 410 Drunk Driving Program, and $45 million for motor carrier safety being provided.

I want to recognize the contributions of many groups who have worked diligently toward passing this short term extension.

I particularly want to recognize the Governors—acting both individually and under the auspices of the National Governors' Association—who have played a critical role in our efforts to see a meaningful ISTEA extension.

The Governors have also been prominent advocates for long-term increases in Federal investment in surface transportation programs. NGA passed a resolution this summer calling on Congress to enact legislation that permanently provides that all dedicated transportation user fees and and interest be distributed automatically and annually without restriction.

The Governors also organized a coalition called TRUST, "Transportation Revenues Used Solely for Transportation," made up of State and local government officials, business groups and labor organizations, to push for increased Federal investment in transportation.

The fact that NGA and the National Conference of State Legislatures, the U.S. Conference of Mayors, and the National League of Cities continue to be so vocal on the subject of transportation dollars is a testament to the importance of surface transportation to communities across America as well as the responsibility State and local officials feel to meet infrastructure needs.

I expect that these organizations will continue to be politically energized on this subject as we revisit the program funding levels in the 1998 budget resolution.

Finally, I want to commend my colleagues on the Transportation and Infrastructure Committee—ranking Democrat JIM OBERSTAR, TOM PETRI, chairman of the Surface Transportation Subcommittee, and NICK RAHALL who is the ranking Democrat on the subcommittee.

The Transportation Committee has had a full year seeking to secure adequate transportation resources, developing BESTEA—the Building Efficient Surface Transportation and Equity Act—and now passing this short term extension. And we have our work cut out for us next year as we attempt to finalize a multiyear reauthorization that provides the necessary resources to meet our transportation needs.

Our Senate counterparts, Senator JOHN CHAFEE, Senator JOHN WARNER, and Senator MAX BAUCUS also deserve to be commended for their efforts during these last days of the session to provide the tools necessary for the States to advance critical transportation projects until Congress completes work on a long-term ISTEA reauthorization.

I urge the House to approve S. 1519.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Pennsylvania [Mr. SHUSTER] and I are of one mind and of one accord on this legislation, as are the chairman of the subcommittee, the gentleman from Wisconsin [Mr. PETRI], and the ranking Democrat on our side, the gentleman from West Virginia [Mr. RAHALL], whom I commend for their unflagging commitment to ensuring that our Nation's surface transportation programs continue with the least possible disruption.

In a spirit of compromise, I think we have shown remarkable creativity and flexibility in working with our colleagues across the way in the other body in crafting an interim measure that will ensure that the States' critical surface transportation projects, highway, motor carrier safety, transit capital needs, transportation research programs, can continue unabated until we deal with the permanent law next spring. We have had a very good discussion with Senators CHAFEE, BAUCUS, WARNER, and BOND, and I commend them for their cooperation in working with us in a constructive fashion to come up with a product that has been the result of extensive and even difficult negotiations.

The key is that we produced a compromise that recognizes that adjourning for the year without a stopgap measure would be an abdication of our responsibility to the Nation. I just want to emphasize for all of our colleagues and all of those who may be listening that this body acted responsibly.

This committee, under the leadership of our chairman, the gentleman from Pennsylvania [Mr. SHUSTER] moved legislation in proper time to deal with the Nation's transportation needs. We moved the 6-month extension bill well ahead of the other body. We were willing to work with them to draft what we thought was an answer, in a neutral fashion, for the need to move ahead with the Nation's transportation funding, but on an interim basis until we come back next spring to deal with the 6-year bill.

Clearly, this is a compromise. It includes the important elements that we need to ensure that critical construction, capital acquisition and safety programs continue. The bill allows States unlimited flexibility to use their unobligated balances according to their most pressing needs. I want to emphasize that this flexibility is only temporary, that any transferred funds, any funds moved out of one category into another, will be repaid in full to their original categories.

I also want to emphasize that this bill is only half of what we provided in the House bill. I want to make it abundantly clear that this is only an interim measure. In no way should anyone consider that this prejudges the ultimate multiyear reauthorization of surface transportation programs which we will take up in due course next year. The distribution of funding and the obligational authority in this bill cannot be construed in any way to constitute a statement by Congress about the funding formulas that we will consider next year, or that in any way it would constitute a precedent for next year's reauthorization.

The bill fully preserves our ability to adjust the distribution of remaining fiscal year 1998 funds, ensuring that States will receive their full and their equitable shares. It should not be construed in any way to indicate which existing programs will or will not continue, nor at what funding levels they will continue. This is simply a short-term measure to tide these programs and projects over while we continue to develop the fully funded multiyear bill.

I just want to remind our colleagues, this is not the time to launch into a full-scale reauthorization of the surface transportation programs. We have crafted a bill on which we are in agreement and which we will bring forward at the appropriate time next year. We do good work in our committee. This is an interim step toward completing that good work.

I want to extend my congratulations to our chairman, the gentleman from Pennsylvania [Mr. SHUSTER], for his leadership in moving this legislation along, and had this body been of good mind and good spirit 48 hours ago, this would have been done. However, we do all good things in due course.

Again, I congratulate our chairman and thank him for his splendid cooperation.

Mr. SHUSTER. Mr. Speaker, I certainly want to thank my good friend from Minnesota [Mr. OBERSTAR] for the leadership he has provided to make this a bipartisan legislation.

Mr. RAHALL. Mr. Speaker, I rise as the ranking Democrat on the bipartisan Subcommittee on Surface Transportation, which is ably chaired by the distinguished gentleman from Wisconsin TOM PETRI.

In conjunction with our full committee chairman BUD SHUSTER and ranking member JIM OBERSTAR, we are now in the position to consider the pending measure.

This bill provides the States with some ability to continue to obligate federal highway funds until Congress reauthorizes the federal aid to highway program which expired on September 30th.

Since that time, no new contract authority associated with federal highway dollars has been available to the States.

Under this legislation, which represents a compromise with the Senate, $5.5 billion in new contract authority would be provided to the States.

This amount, coupled with the unobligated balances associated with prior year contract authority currently in existence, provides the States with $9.8 billion in federal highway fund obligational authority subject to a May 1, 1988, expiration.

This legislation should be viewed as an interim measure made necessary because Congress did not enact a long-term highway bill this session.

The reasons for incomplete action on the long-term bill are varied.

For our part, the simple fact of the matter is that the bipartisan leadership of the House Committee on Transportation and Infrastructure intends to keep faith with the American motorist and with our responsibilities to address a crumbling transportation infrastructure in this country.

We do not believe that motor fuel taxes paid by the American people, which are deposited in the Highway Trust Fund for the express purpose of making transportation improvements, should then sit idle in that Trust Fund and be held hostage to the whims of the budgeteers.

Earlier this year, a grave injustice was done to transportation when the Administration and the Republican leadership of the Congress agreed upon a 5-year budget plan.

Simply put, highway spending was not sufficiently provided for placing us in a situation where the surplus in the Highway Trust Fund will continue to grow while highway construction needs remain unmet.

We on the Transportation and Infrastructure Committee feel compelled to fashion a long-term reauthorization of the existing highway law, ISTEA, that provides highway spending levels which more closely track receipts into the Highway Trust Fund.

Because this was not possible this year, we are moving forward with a short-term bill so that we may seek more justice in highway spending next year when the Congress will once again consider a budget resolution.

With that, I urge the adoption of the pending measure.

Mr. PETRI. Mr. Speaker, I am pleased that the House is considering this important piece of legislation before it adjourns for the year.

This bill will ensure that key surface transportation programs, including the highway, transit, and highway safety programs, continue to receive funding while a multi-year reauthorization is being crafted by the Congress.

At one point in time this fall, it appeared that there was a good chance that the other body would not even consider an extension.

Fortunately, upon further reflection, they reached the same conclusion that we had reached—that it just isn't good transportation policy to allow these programs to wither on the vine or to allow the Federal Highway Administration to shut down due to lack of funds.

I want to comment briefly on the formula for distributing highway funds.

This bill distributes $9.7 billion in obligation limitation to the States based primarily on the level of unobligated balances each state had at the beginning of the year. This is the distribution method insisted upon by the Senate.

This method is generally less favorable to the "Donor" states than the method included in BESTEA—the bill considered by my subcommittee in September—and the short term extension passed by the House on October 1.

In fact, 21 "Donor" States receive a lower percentage than they did under the House passed bill. Many of these States receive a trust fund return on their obligation authority that is below 80 percent. The House accepted this method of distributing the obligation limitation in return for several concessions on the part of the Senate that we considered important in helping us proceed with the longer term bill next year—including preserving the budget baseline and providing additional contract authority to the States so that they would not be dependent exclusively on balances of unobligated funds.

I hope this serves as a forewarning to the "Donor" States that they need to be vigilant as we continue to develop a final formula for a multi-year bill.

Chairman SHUSTER and I remain committed to modernizing the ISTEA formulas. Current formulas clearly are indefensible and have the perverse effect of reducing overall support for a strong Federal highway program. I urge the House to approve S. 1519.

Mr. SHUSTER. Mr. Speaker, I have no further requests for time, and if the gentleman is prepared to yield back his time, I will do the same.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 1519.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1519, the Senate bill just considered and passed.

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

There was no objection.

AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY FOR LIBRARY OF CONGRESS

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2979) to authorize acquisition of certain real property for the Library of Congress, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2979

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

SECTION 1. ACQUISITION OF FACILITY IN CULPEPER, VIRGINIA.

(a) ACQUISITION.—The Architect of the Capitol may acquire on behalf of the United States Government by transfer of title, without reimbursement or transfer of funds, the following property:

(1) Three parcels totaling approximately 41 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51–80B, 51–80C, and 51–80D, further described as real estate (consisting of 15.949 acres) conveyed to Federal Reserve Bank of Richmond by deed from Russell H. Inskeep and Jean H. Inskeep, his wife, dated October 1, 1964, and recorded October 7, 1964, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 177, page 431, and real estate (consisting of 20.498 acres and consisting of 4.502 acres) conveyed to Federal Reserve Bank of Richmond by deed from Russell H. Inskeep and Jean H. Inskeep, his wife, dated November 11, 1974, and recorded November 12, 1974, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 247, page 246.

(2) Improvements to such real property.

(b) USES.—Effective on the date on which the Architect of the Capitol acquires the property under subsection (a) such property shall be available to the Librarian of Congress for use as a national audiovisual conservation center.

SEC. 2 LIBRARY BUILDINGS AND GROUNDS.

Section 11 of the Act entitled "An Act relating the policing of the buildings of the Library of Congress" approved August 4, 1950 (2 U.S.C. 167(j)), is amended by adding at the end the following new subsection:

"(d) For the purposes of this Act, the term 'Library of Congress buildings and grounds' shall include the following property:

"(1) Three parcels totaling approximately 41 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51–80B, 51–80C, and 51–80D, further described as real estate (consisting of 15.949 acres) conveyed to Federal Reserve Bank of Richmond by deed from Russell H. Inskeep and Jean H. Inskeep, his wife, dated October 1, 1964, and recorded October 7, 1964, the the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 177, page 431; and real estate (consisting of 20.498 acres and consisting of 4.502 acres) conveyed to Federal Reserve Bank of Richmond by deed from Russell H. Inskeep and Jean H. Inskeep, his wife, dated November 11, 1974, and recorded November 12, 1974,

in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 247, page 246.

"(2) Improvements to such real property.".

SEC. 3. ACCEPTANCE OF TRANSFERRED GIFT OR TRUST FUNDS.

Gifts or trust funds given to the Library or the Library of Congress Trust Fund Board for the structural and mechanical work and refurbishment of Library buildings and grounds specified in section 1 shall be transferred to the Architect of the Capitol to be spent in accordance with the provisions of the first section of the Act of June 29, 1922 (2 U.S.C. 141).

SEC. 4. FUND FOR TRANSFERRED FUNDS

There is established in the Treasury of the United States a fund consisting of those gift or trust funds transferred to the Architect of the Capitol under section 3. Upon prior approval of the Committee on House Oversight of the House of Representatives and Committee on Rules and Administration of the Senate, amounts in the fund shall be available to the Architect of the Capitol, subject to appropriation, to remain available until expended, for the structural and mechanical work and refurbishment of Library buildings and grounds. Such funds shall be available for expenditure in fiscal year 1998, subject to the prior approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act shall take effect on the date of the enactment of this Act.

(b) SPECIAL RULE FOR INCLUSION OF PROPERTY WITHIN LIBRARY BUILDINGS AND GROUNDS.—The amendment made by section 2 shall take effect upon the acquisition by the Architect of the Capitol of the property described in section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentlewoman from Michigan [Ms. KILPATRICK] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2979 is an attempt at the end of this Congress, in working with the Senate, and the Senate has a bill they are attempting to move on the other side which would authorize the Architect of the Capitol to acquire on behalf of the United States Government a gift of property located in Culpeper, Virginia.

This property is unique in terms of the uses that the Librarian will make of it. As my colleagues may know, in the early 20th century, the then new technology captured the American experience on film and in various forms of audio retention.

□ 2015

Unfortunately, in the late 19th and early 20th century, the technology produced a product which, over time, can become highly volatile. Many of these early film archives are currently preserved on military bases, much as you would munitions.

Our goal was to seek a facility which would allow the Librarian not only to preserve these artifacts but, in the process of preserving them, make them available for those who might wish to utilize the Library's resources, as they do with books and other artifacts that the Library of Congress now holds.

Since, for example, the acetate film is located on military bases, pretty obviously we cannot just use any building. We are very, very fortunate in having in Culpeper, Virginia, a facility which has been made available which, with relatively minor changes beyond the already wonderful facility that it is, will allow us to accomplish this long-desired goal of the Librarian.

In addition to that, the funds for this facility are a gift. We have some benefactors who are willing to provide the funds that will not only allow us to purchase the Culpeper facility, but funds that will allow us to begin to do the kinds of things that we need to do to it to make it an even more enhanced repository.

So what this bill does is allow us to acquire the property. It provides for the transfer of gifts to the Library trust fund controlled by the authorizing committees, the Committee on House Oversight and the Committee on Rules in the Senate, for appropriated funds controlled by the appropriations committees.

We have incorporated in the bill an amendment that was requested on the Senate side by the minority, agreed to by the chairman of the Committee on Rules, the distinguished gentleman from Virginia, Senator WARNER, and I would ask that all Members support this marvelous acquisition for the retention of these films and audio artifacts.

In addition, Mr. Speaker, I will place in the RECORD a letter from the chairman of the Committee on Transportation and Infrastructure clearly indicating that, notwithstanding the jurisdiction of that committee, and we certainly acknowledge the jurisdiction of that committee, in the interest of the time line which we need to make this decision, that the committee would not exercise its jurisdiction in this matter but certainly retains its jurisdiction over this subject matter.

The letter referred to is as follows:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES,

Washington, DC, November 12, 1997.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on House Oversight, Washington, DC.

DEAR BILL: I am writing in reference to H.R. 2979, a bill authorizing the acquisition of certain real property for the Library of Congress, which was initially referred to the Committee on House Oversight.

As you know, pursuant to clause 1(q)(11) of Rule X of the Rules of the House, the Committee on Transportation and Infrastructure has jurisdiction over measures relating to the construction, reconstruction, maintenance and care of the buildings and grounds of the Library Congress. H.R. 2979 would expand the Library of Congress's real property inventory, and thus expand this Committee's jurisdictional responsibilities with regard to any form of building repair or improvements.

It is clear that the Committee on Transportation and Infrastructure has a jurisdictional interest in H.R. 2979. However, as I do not wish to prevent or prolong consideration of the measure, I will not request a sequential referral of this bill. Nonetheless, this decision should not be deemed a waiver of this Committee's jurisdiction over the subject matter contained in the bill, jurisdictional prerogatives of similar provisions in the future, or the right to be conferees should the bill go to conference.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 2979, and ask that a copy of my letter on this matter be placed in the Congressional Record during consideration of the bill on the Floor.

I am pleased to support the concept of the legislation, and I look forward to working with you on future matters related to the Library of Congress.

With warm, personal regards, I remain

Sincerely,

BUD SHUSTER,
Chairman.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, if I could, the minority side is not represented at the moment, and I would ask to claim the time on the minority side, since we are not represented.

The SPEAKER pro tempore. Without objection, the Chair recognizes the gentleman from Oregon [Mr. DEFAZIO].

There was no objection.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not particularly aware of the merits of this bill, but I would like to go to the procedure before us.

The House is being kept here because Republicans are unable to get the Committee on Rules to meet and bring forward the appropriations bills. We could bring those bills forward tomorrow in the regular order. There is no reason the House, which was kept in session until midnight or later 3 or 4 nights last weekend while they tried to force the votes on fast track, there is no reason to keep the House here again tonight.

So I would like to suggest, Mr. Speaker, that the other side consider where we are going. The gentleman from New York [Mr. SOLOMON] is here, and perhaps he has some news about the appropriations bill.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I most certainly do. Let me say, I may be the most optimistic Member of this body, but let me say I think we are getting out of here tomorrow afternoon. The reason is that the Committee on Rules

was scheduled to meet about 45 minutes ago with the minority Members, but the gentleman from Massachusetts [Mr. MOAKLEY], a very respected and outstanding Member of this body, asked for another hour to look at two conference reports, one the D.C. appropriations conference report, the other the foreign operations conference report. They are completed. We will meet at 10 minutes of 9:00. Because the gentleman wants me to, I will be down here at 9 o'clock with both of them.

Mr. DEFAZIO. Reclaiming my time, Mr. Speaker, if I could ask the gentleman, he will be out here at 9 o'clock with both the bills. Is that as good a promise as the moving target on fast track last week, which was going to be on the hour or the half-hour for 5 hours?

Mr. SOLOMON. Give or take a few minutes one way or the other.

Mr. DEFAZIO. I thank the gentleman. I accept that rather strong assurance from the chairman that within 40 minutes we will be completing the real business before the House, as opposed to the legislation before us.

Mr. Speaker, I yield back the balance of the time to the gentlewoman from Michigan [Ms. KILPATRICK].

The SPEAKER pro tempore. Without objection, the gentlewoman from Michigan [Ms. KILPATRICK] is recognized to control the time.

There was no objection.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am sorry the gentleman from Oregon characterizes this as not the real legislation before the House. Quite frankly, it is in the best tradition. There are private individuals who are contributing more than $10 million, so that all Americans can have access to historical artifacts.

Frankly, the gentleman does a disservice to the House and those individuals who continue to contribute major sums so that the American people can enjoy these kinds of artifacts in a preserved fashion, not just at the time they are produced through the 20th century, but for all times.

If the gentleman believes this trivializes the House, then I really wish the gentleman would not claim time if he has no understanding whatsoever of the material in front of him.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY].

Mr. DEFAZIO. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman will state the point of personal privilege.

Mr. DEFAZIO. Having been demeaned by the gentleman, Mr. Speaker, I would like the opportunity to respond.

The SPEAKER pro tempore. Does the gentleman demand that words spoken in debate be taken down?

Mr. DEFAZIO. Mr. Speaker, would the gentlewoman from Michigan [Ms. KILPATRICK] yield me 1 minute?

Ms. KILPATRICK. Mr. Speaker, I yield 1 minute to the gentleman from Oregon.

The SPEAKER pro tempore. It is not in order for the gentleman to have time yielded at this point.

Mr. THOMAS. Mr. Speaker, I control the time.

Mr. DEFAZIO. I will wait for 1 minute later to respond.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY], in whose district this facility resides, and whose help was instrumental in acquiring this property for a very attractive price, which allows us to stretch this gift far beyond just the purchase of the property, but to add improvements to the property as well.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this legislation, which will allow the Library of Congress to accept a gift of the Federal Reserve facility located at Mount Pony in Culpeper County, VA. I also rise today to recognize and thank the gentleman from California, Mr. BILL THOMAS and the gentleman from New York, Mr. JIM WALSH, for their hard work on this important legislation.

The Library of Congress has had statutory responsibility for collecting and preserving audiovisual materials for nearly 100 years. The Library presently holds the most comprehensive collection in the world in all audiovisual formats, from nitrate to digitalized materials. The Library presently stores these materials at scattered locations throughout the United States, including a facility in Suitland, MD.

The General Services Administration has, however, ordered the Library to vacate its 27 nitrate vaults in Suitland by May 1998 in order that they may be torn down. This leaves the Library in a precarious position. They need a place to store the film. They want it to be local, and they want to establish a permanent facility for this material so that they do not have to constantly look for short-term storage solutions.

Located in Culpeper County, VA, which is just a short drive from the Capitol, is a Federal Reserve facility which was created as a high security facility for currency and gold reserve storage.

However, the Federal Reserve Bank in Richmond has been attempting to sell the property for the past 7 years because it no longer needs it. The Richmond Fed has placed an end-of-the-year deadline on the sale of this facility. If the facility is not sold, they are going to transfer it to the Bureau of Printing and Engraving.

The Library views the Federal Reserve facility in Culpeper as the most cost-effective solution to their problem. It is large enough to accommodate their needs, it is close enough to Washington, and it has the climate controls necessary for storing the material. Essentially, the facility is perfect for the creation of a single, centralized national audiovisual and digital master conservation center. In this center the Library will store, preserve, process, and make accessible the entire national audiovisual collection.

The important thing about this legislation is that it will enable the Library to do what it needs to in order to preserve the material, but it will not cost the American taxpayers any money. The cost of purchasing the facility has been donated generously by the David and Lucille Packard Foundation.

Moreover, the Packard Foundation will provide funds, as the gentleman from California [Mr. THOMAS], the chairman of the committee, has said, will provide funds not only for the purchase of the facility, but they are providing millions of dollars for the restoration and refurbishment of the facility.

This is a good bill and it is a necessary bill, because if we do not act before adjournment, the Richmond Federal Reserve Bank will proceed with the transfer of the Culpeper facility to the BPE. The Library will miss a golden opportunity if we do not act now, so I urge all my colleagues to support this legislation.

I thank the gentleman from California for all of his work.

Ms. KILPATRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding me the time. I am glad we are back in the regular order and that the ranking member representing the minority is now on the floor of the House.

I am sorry that the majority felt that they had to proceed out of the regular order with this legislation and, in fact, that they felt that they had to hold the House here late in the evening for legislation which could have been dispatched tomorrow during regular business hours.

Mr. Speaker, the legislation, as described by the gentleman from Virginia, whom I do hold in high regard, obviously has merit, and we appreciate the gift. I wish that the Library of Congress did not have to go begging for gifts and that the Republican majority would better fund the Library of Congress, but given the fact that they do not have adequate funds, these sorts of gifts are absolutely vital to maintain our national heritage.

To the gentleman from California [Mr. THOMAS], whom I hold in minimally high regard, I do not appreciate his words, and I would say that they are generally characteristic of his performance on the floor. That is why he is held in minimal high regard by so many Members of this body.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Oregon [Mr. DEFAZIO] does not understand what is going on around here, notwithstanding his ability to come to the microphone and make pronouncements.

We proceeded in regular order tonight. This was scheduled sometime ago by the Committee on Rules. If Members from the minority are not able to be here, I am sure there are good reasons. I said I would wait. I was instructed by the minority to go forward, so the gentleman from Oregon is simply misinformed.

As a matter of fact, we tried to do this last Monday night, but in terms of their unwillingness to move needed legislation, the objections that were heard on his side of the aisle required us to wait until Wednesday to conclude this.

Notwithstanding his involvement in this process and his clear statement on the record that this is not real work, or his attempts to make light of Americans wishing to assist through their ability to contribute to the Library of Congress and to the Smithsonian, this is important legislation, timely legislation, and necessary legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. KILPATRICK. Mr. Speaker, I yield myself such time as I may consume. I, too, believe that this is valuable legislation before us. Any time a citizen of America would want to donate to the better good of this country, we all would welcome that. Certainly we do in this instance.

Mr. WALSH. Mr. Speaker, I rise in support of this legislation which authorizes the acquisition, without cost to the Government, of an existing facility to be used by the Library of Congress. The Library plans to convert a vacant building now owned by the Federal Reserve Bank of Richmond to an audio-visual preservation center.

The building is located in Culpeper, VA. It will be acquired through a most generous donation by the David and Lucille Packard Foundation. The Packard Foundation will also contribute $4.5 million above the purchase price of $5.5 million to equip and maintain the building.

The Librarian of Congress says he needs this building and its 40 acre site to consolidate the extensive film, video tape, and sound recording materials now stored in five separate locations. This facility will become the national center for the storage and processing of these collections. The Library will then be able to vacate outdated facilities at Wright-Patterson Air Force Base, underground vaults in Boyers, PA, three warehouses in the Washington suburbs, and in the main Library itself.

The Library's intent will be to establish a modern audio-visual collections center which will contain the necessary climate controls to process and store nitrate and acetate film and movies, and a variety of multimedia video and sound recordings. It will also be possible to connect the Culpeper facility to the main Library with fiber optic links to make accessible the entire national audio-visual collection.

We have not yet seen the complete scope of the project nor do we yet have a complete cost analysis based on construction design and estimates. The Library, however, has provided estimates prepared by an accounting firm that indicates placing the center at Culpeper will cost less than the additional investments that would otherwise be necessary to update current storage and processing facilities or to build new facilities elsewhere.

The Library and the Architect of the Capitol will prepare the requisite estimates for the normal appropriations cycle. They will be reviewed by the Committee on Appropriations in regular order. It is my hope that most of all of the funds can be derived from additional philanthropic support to minimize the need for taxpayer funding of this new operation. That is the intent of the Librarian, as I understand it.

I support this authorization. The Librarian has made the case for it and I commend the chairman of the Committee on House Oversight, BILL THOMAS, for bringing this legislation to the House.

Ms. KILPATRICK. Mr. Speaker, with that, I have no further requests for time, and I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the bill, H.R. 2979, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 2030

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2979, as amended.

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2979, AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY FOR LIBRARY OF CONGRESS

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2979 the Clerk be authorized to make technical and conforming changes.

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING PRINTING OF "OUR FLAG," "HOW OUR LAWS ARE MADE," AND "THE CONSTITUTION OF THE UNITED STATES OF AMERICA"

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the Senate concurrent resolutions (S. Con. Res. 61) authorizing printing of a revised edition of the publication entitled "Our Flag," (S. Con. Res. 62) authorizing printing of the brochure entitled "How Our Laws Are Made," and (S. Con. Res. 63) authorizing printing of the pamphlet entitled "The Constitution of the United States of America."

The Clerk read as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That (a) a revised edition of the publication entitled "Our Flag", revised under the direction of the Joint Committee on Printing, shall be reprinted as a Senate document.

(b) There shall be printed—

(1)(A) 250,000 copies of the publication for the use of the House of Representatives, distributed in equal numbers to each Member;

(B) 51,500 copies of the publication for the use of the Senate, distributed in equal numbers to each Member;

(C) 2,000 copies of the publication for the use of the Joint Committee on Printing; and

(D) 1,400 copies of the publication for distribution to the depository libraries; or

(2) if the total printing and production costs of copies in paragraph (1) exceed $150,000, such number of copies of the publication as does not exceed total printing and production costs of $150,000, with distribution to be allocated in the same proportion as in paragraph (1).

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), That (a) a revised edition of the brochure entitled "How Our Laws Are Made", under the direction of the Parliamentarian of the House of Representatives in consultation with the Parliamentarian of the Senate, shall be printed as a Senate document, with suitable paper cover in the style selected by the chairman of the Joint Committee on Printing.

(b) There shall be printed—

(1)(A) 250,000 copies of the brochure for the use of the House of Representatives, distributed in equal numbers to each Member;

(B) 100,000 copies of the brochure for the use of the Senate, distributed in equal numbers to each Member;

(C) 2,000 copies of the brochure for the use of the Joint Committee on Printing; and

(D) 1,400 copies of the brochure for distribution to the depository libraries; or

(2) if the total printing and production costs of copies in paragraph (1) exceed $180,000, such number of copies of the brochure as does not exceed total printing and production costs of $180,000, with distribution to be allocated in the same proportion as in paragraph (1).

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring, That (a) a revised edition of the pamphlet entitled "The Constitution of the United States of America", prepared under the direction of the Joint Committee on Printing, shall be printed as a Senate document, with appropriate illustration.

(b) There shall be printed—

(1)(A) 440,000 copies of the pamphlet for the use of the House of Representatives, distributed in equal numbers to each Member;

(B) 100,000 copies of the pamphlet for the use of the Senate, distributed in equal numbers to each Member;

(C) 2,000 copies of the pamphlet for the use of the Joint Committee on Printing; and

(D) 1,400 copies of the pamphlet for distribution to the depository libraries; or

(2) if the total printing and production costs of copies in paragraph (1) exceed $120,000, such number of copies of the pamphlet as does not exceed total printing and production costs of $120,000, with distribution to be allocated in the same proportion as in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. EHLERS] and the gentlewoman from Michigan [Ms. KILPATRICK] each will control 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, these resolutions provide for the following: Senate Concurrent Resolution 61 provides for printing of the revised edition of the publication entitled "Our Flag." This resolution provides for the printing of 250,000 copies, or such number as can be printed, for a total printing and production cost of $150,000. Senate Concurrent Resolution 62 provides for printing of the revised edition of the publication entitled "How Our Laws Are Made." This resolution provides for the printing of 250,000 copies, or such number as can be printed, for a total printing and production cost of $180,000. Senate Concurrent Resolution 63 provides for printing of the revised edition of the publication entitled "The Constitution of the United States of America." This resolution provides for the printing of 440,000 copies, or such number as can be printed, for a total printing and production cost of $120,000.

All three of these are extremely useful to our constituents and to Members of Congress, and I strongly urge that we adopt these resolutions.

Mr. Speaker, I reserve the balance of my time.

Ms. KILPATRICK. Mr. Speaker, I yield myself such time as I may consume.

I listened carefully to the gentleman from Michigan [Mr. EHLERS]; and I, too, agree that this is a very worthy cause, printing of educational materials, for citizens throughout America. So, Mr. Speaker, I too support this initiative.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I have no further requests for time. If the gentlewoman from Michigan [Ms. KILPATRICK] wishes to yield back the balance of her time, I shall do likewise.

Ms. KILPATRICK. Mr. Speaker, I have no further requests for speakers, and I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. EHLERS] that the House suspend the rules and concur in the Senate concurrent resolutions, Senate Concurrent Resolution 61, Senate Concurrent Resolution 62, and Senate Concurrent Resolution 63.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolutions were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 61, Senate Concurrent Resolution 62, and Senate Concurrent Resolution 63.

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

There was no objection.

AUTHORIZING USE OF OFFICIAL MAIL IN LOCATION AND RECOVERY OF MISSING CHILDREN, AND FOR OTHER PURPOSES

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1378) to extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes.

The Clerk read as follows:

S. 1378

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

SECTION 1. EXTENSION OF AUTHORIZATION OF USE OF OFFICIAL MAIL IN THE LOCATION AND RECOVERY OF MISSING CHILDREN.

The Act entitled "An Act to amend title 3, United States Code, to authorize the use of penalty and franked mail in efforts relating to the location and recovery of missing children", approved August 9, 1985 (39 U.S.C. 3220 note; Public Law 99-87), is amended—

(1) in section 3(a) by striking "June 30, 1997" and inserting "June 30, 2002"; and

(2) in section 5 by striking "December 31, 1997" and inserting "December 31, 2002".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentleman from Pennsylvania [Mr. FATTAH] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Senate bill 1378 was passed by the Senate on November 5, 1997. It was referred jointly to the Committee on House Oversight and the Committee on Government Reform and Oversight for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Mr. Speaker, this legislation extends the authorization for use of official mail in the location and recovery of missing children through December 31, 2002. Authorization was initially approved on August 9, 1985, and extended in October of 1992. This authorization will expire at the end of this year.

Mr. Speaker, the legislation enables Members of Congress to mail a photo and description of missing children that are provided by the National Center for Missing and Exploited Children in their franked mail to raise public awareness in an effort to locate these children. Currently, Mr. Speaker, some 20 Members use this authority regularly to mail those types of materials.

There is, Mr. Speaker, understandably great national concern regarding the growing problem of missing children. It is indeed one of the greatest fears for parents throughout this Nation. Because of this concern, a Missing Children's Caucus was organized earlier this year in the House.

Mr. Speaker, the extension of authority of use of official mail in the location and recovery of missing children is a very meritorious program, and would I urge our colleagues to support this legislation thereby extending the current program through the year 2002.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me join with my colleague the gentleman from New York [Mr. MCHUGH], the distinguished chairman of the Subcommittee on Postal Service, in urging the House to favorably consider Senate bill 1378. This is a very important and very needed reauthorization of a practice that has already been, as my colleague has mentioned, implemented by many Members here in the House.

The issue of missing children is something that is on the minds of parents throughout this Nation. And in my home city of Philadelphia, unfortunately, there have been several instances in which children have been missing for a long time. The Center for Missing and Exploited Children is a very important establishment, and this provision that allows both Members of the Senate and House to use frank mail in a way in which I am sure even those that have been the most enthusiastic critics of frank mail for this purpose is something that we all would support.

Mr. Speaker, we do not have any further speakers on our side, so we would like to yield back the remainder of our time, assuming that the gentleman from New York [Mr. MCHUGH] is the last speaker on his side.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

I am, indeed, the only speaker on our side. So let me very briefly, in closing,

extend my deepest appreciation to the ranking member, the gentleman from Pennsylvania [Mr. FATTAH]. In these times of difficulty in the House and in the Senate, when we are working toward a close of the session, we far too often dwell upon those things that perhaps take us apart. And in this effort, we see something that, as the gentleman from Pennsylvania [Mr. FATTAH] has stated so eloquently, brings us together. And I thank my colleague for his efforts and for that side of the aisle very helpful assistance in bringing this bill to the floor.

I would urge all of our colleagues to support this very, very worthy program through this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the Senate bill, S. 1378.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1378.

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998; TECHNICAL CORRECTIONS

Mr. SPENCE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1507) to amend the National Defense Authorization Act for fiscal year 1998 to make certain technical corrections.

The Clerk read as follows:

S. 1507

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

SECTION 1. TECHNICAL CORRECTIONS.

(a) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—(1) Section 2302c(a)(1) of title 10, United States Code, is amended by inserting "of section 2303(a) of this title" after "paragraphs (1), (5) and (6)".

(2) The amendment made by paragraph (1) shall take effect as if included in the amendment to section 2302c of title 10, United States Code, made by section 850(f)(3)(A) of the National Defense Authorization Act for Fiscal Year 1998 to which the amendment made by paragraph (1) relates.

(b) COMMEMORATION OF 50TH ANNIVERSARY OF KOREAN CONFLICT.—(1) Section 1083(f) of the National Defense Authorization Act for Fiscal Year 1998 is amended by striking out "$100,000" and inserting in lieu thereof "$1,000,000".

(2) The amendment made by paragraph (1) shall take effect as if included in the provisions of the National Defense Authorization Act for Fiscal year 1998 to which such amendment relates.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

This bill makes two technical corrections to H.R. 1119, the National Defense Authorization Act for Fiscal Year 1998. The first makes technical changes to a provision in the conference report involving electronic commerce. The change is not controversial and would simply restate references to title 10 of the United States Code more effectively by eliminating unnecessary ambiguity.

The second change would correct the ceiling on funding that has been authorized for the Secretary of Defense to begin the planning, coordination, and execution of a program to commemorate the 50th anniversary of the Korean war. This original proposal was included in the President's budget request and in the House-passed bill. The conference outcome inadvertently placed an incorrect funding ceiling on this commemorative effort. The conference report currently limits expenditures to $100,000. The bill before us would raise the cap to the correct level of $1 million.

S. 1507 passed the Senate by unanimous consent last Sunday night, and I am not aware of any controversy.

Mr. Speaker, I reserve the balance of my time.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill S. 1507, a bill to provide for technical corrections for the National Defense Authorization Act for Fiscal Year 1998. And I might say, Mr. Speaker, that I concur in the observations made by my distinguished colleague the gentleman from South Carolina [Mr. SPENCE].

This bill makes only two corrections to the authorization bill as passed in the House. One, it makes technical corrections to part B of the bill dealing with electronic commerce; and two, it corrects the amount available to the Army for support of the 50th anniversary of the Korean conflict from $100,000 to $1 million.

With those brief remarks, Mr. Speaker, I would indicate that I support the bill, and I urge my colleagues to vote in favor of it.

Mr. Speaker, I yield back the balance of my time.

Mr. SPENCE. Mr. Speaker, I have no further requests for time; and, therefore, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. SPENCE] that the House suspend the rules and pass the Senate bill, S. 1507.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PERMITTING MINERAL LEASING OF INDIAN LAND LOCATED WITHIN FORT BERTHOLD INDIAN RESERVATION

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1079) to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease, as amended.

The Clerk read as follows:

S. 1079

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

SECTION 1. LEASES OF ALLOTTED LANDS OF THE FORT BERTHOLD INDIAN RESERVATION.

(a) IN GENERAL.—

(1) DEFINITIONS.—In this section:

(A) INDIAN LAND.—The term "Indian land" means an undivided interest in a single parcel of land that—

(i) is located within the Fort Berthold Indian Reservation in North Dakota; and

(ii) is held in trust or restricted status by the United States.

(B) INDIVIDUALLY OWNED INDIAN LAND.—The term "individually owned Indian land" means Indian land that is owned by 1 or more individuals.

(C) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) EFFECT OF APPROVAL BY SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—The Secretary may approve any mineral lease or agreement that affects individually owned Indian land, if—

(i) the owners of a majority of the undivided interest in the Indian land that is the subject of the mineral lease or agreement (including any interest covered by a lease or agreement executed by the Secretary under paragraph (3)) consent to the lease or agreement; and

(ii) the Secretary determines that approving the lease or agreement is in the best interest of the Indian owners of the Indian land.

(B) EFFECT OF APPROVAL.—Upon the approval by the Secretary under subparagraph (A), the lease or agreement shall be binding, to the same extent as if all of the Indian owners of the Indian land involved had consented to the lease or agreement, upon—

(i) all owners of the undivided interest in the Indian land subject to the lease or agreement (including any interest owned by an Indian tribe); and

(ii) all other parties to the lease or agreement.

(C) DISTRIBUTION OF PROCEEDS.—The proceeds derived from a lease or agreement that is approved by the Secretary under subparagraph (A) shall be distributed to all owners of the Indian land that is subject to the lease or agreement in accordance with the interest owned by each such owner.

(3) EXECUTION OF LEASE OR AGREEMENT BY SECRETARY.—The Secretary may execute a mineral lease or agreement that affects individually owned Indian land on behalf of an Indian owner if—

(A) that owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) PUBLIC AUCTION OR ADVERTISED SALE NOT REQUIRED.—It shall not be a requirement for the approval or execution of a lease or agreement under this subsection that the lease or agreement be offered for sale through a public auction or advertised sale.

(b) RULE OF CONSTRUCTION.—This Act supersedes the Act of March 3, 1909 (35 Stat. 783, chapter 263; 25 U.S.C. 396) only to the extent provided in subsection (a).

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.—For purposes of this section, the term "Quincy Library Group-Community Stability Proposal" means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated October 12, 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary"), acting through the Forest Service and after completion of an environmental impact statement (a record of decision for which shall be adopted within 300 days), shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as "Available for Group Selection" on the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated October 12, 1993 (in this section referred to as the "pilot project area"). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS, RIPARIAN PROTECTION AND COMPLIANCE.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled "Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest", a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(C) LIMITATION.—Nothing in this section shall be construed to require the application of the Scientific Analysis Team guidelines to any livestock grazing in the pilot project area during the term of the pilot project, unless the livestock grazing is being conducted in the specific location at which the Scientific Analysis Team guidelines are being applied to an activity under subsection (d).

(3) COMPLIANCE.—All resource management activities required by subsection (d) shall be implemented to the extent consistent with applicable Federal law and the standards and guidelines for the conservation of the California spotted owl as set forth in the California Spotted Owl Sierran Provence Interim Guidelines or the subsequently issued guidelines, whichever are in effect.

(4) ROADLESS AREA PROTECTION.—The Regional Forester for Region 5 shall direct that any resource management activity required by subsection (d)(1) and (2), all road building, all timber harvesting activities, and any riparian management under subsection (d)(4) that utilizes road construction or timber harvesting shall not be conducted on Federal lands within the Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest that are designated as either "Off Base" or "Deferred" on the map referred to in subsection (a). Such direction shall be effective during the term of the pilot project.

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(4) RIPARIAN MANAGEMENT.—A program of riparian management, including wide protection zones and riparian restoration projects, consistent with riparian protection guidelines in subsection (c)(2)(B).

(e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use, subject to the relevant reprogramming guidelines of the House and Senate Committees on Appropriations—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) year-end excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—Subject to normal reprogramming guidelines, during the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain year-end excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.—The Secretary shall seek to ensure that of amounts available to carry out this section—

(A) not more than 12 percent is used or allocated for general administration or other overhead; and

(B) at least 88 percent is used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(7) BASELINE FUNDS.—Amounts available for resource management activities authorized under subsection (d) shall at a minimum include existing baseline funding levels.

(g) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project until the earlier of: (1) the date on which the Secretary completes amendment or revision of the land and resource management plans directed under and in compliance with subsection (i) for the Plumas National Forest, Lassen National Forest, and Tahoe National Forest; or (2) five years after the date of the commencement of the pilot project.

(h) CONSULTATION.—(1) The statement required by subsection (b)(1) shall be prepared in consultation with interested members of the public, including the Quincy Library Group.

(2) CONTRACTING.—The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.

(i) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 2 years after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group-Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(j) STATUS REPORTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (f)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (f)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A proposed schedule for the resource management activities to be undertaken in the pilot project area during the 1-year period beginning on the date of submittal of the report.

(G) A description of any adverse environmental impacts from the pilot project.

(2) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $125,000.

(k) FINAL REPORT.—

(1) IN GENERAL.—The Secretary shall establish an independent scientific panel to review and report on whether, and to what extent, implementation of the pilot project under this section achieved the goals stated in the Quincy Library Group-Community Stability Proposal, including improved ecological health and community stability. The membership of the panel shall reflect expertise in diverse disciplines in order to adequately address all of those goals.

(2) PREPARATION.—The panel shall initiate such review no sooner than 18 months after the first day of the term of the pilot project under subsection (g). The panel shall prepare the report in consultation with interested members of the public, including the Quincy Library Group. The report shall include, but not be limited to, the following:

(A) A description of any adverse environmental impacts resulting from implementation of the pilot project.

(B) An assessment of watershed monitoring data on lands treated pursuant to this section. Such assessment shall address the following issues on a priority basis: timing of water releases; water quality changes; and water yield changes over the short- and long-term in the pilot project area.

(3) SUBMISSION TO THE CONGRESS.—The panel shall submit the final report to the Congress as soon as practicable, but in no case later than 18 months after completion of the pilot project.

(4) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended for the report under this subsection, other than for watershed monitoring, shall not exceed $350,000. The amount of Federal funds expended for watershed monitoring under this subsection shall not exceed $175,000 for each fiscal year in which the report is prepared.

(l) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

(m) LOANS FOR DEMONSTRATION PROJECTS FOR WOOD WASTE OR LOW-QUALITY WOOD BYPRODUCTS.—

(1) EVALUATION OF LOAN ADVISABILITY.—The Alternative Agricultural Research and Commercialization Corporation established under section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902) (in this section referred to as the "Corporation") shall evaluate the advisability of making commercialization assistance loans under section 1661 of such Act (7 U.S.C. 5905) to support a minimum of 2 demonstration projects for the development and demonstration of commercial application of technology to convert wood waste or low-quality wood byproducts into usable, higher value products.

(2) LOCATION OF DEMONSTRATION PROJECTS.—If the Corporation determines to make loans under this subsection to support the development and demonstration of commercial application of technology to convert wood waste or low-quality wood byproducts into usable, higher value products, the Corporation shall consider making one loan with regard to a demonstration project to be conducted in the pilot project area and one loan with regard to a demonstration project to be conducted in southeast Alaska.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a loan under this subsection, a demonstration project shall be required to satisfy the eligibility requirements imposed by the Corporation under section 1661 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5905).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from North Dakota [Mr. POMEROY] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

□ 2045

Mrs. CHENOWETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1079 would facilitate the oil and gas exploration on the Fort Berthold Indian Reservation by allowing the Secretary of the Interior to approve mineral leases affecting individually owned Indian land if a majority of the owners of the undivided mineral interests consent. S. 1079 would supersede a 1909 law which provides that the Secretary may not approve a mineral lease affecting individually owned Indian land unless every single person who has an undivided mineral interest in that land consents.

Approximately 70 percent of the individually owned tracts of Indian land on the Fort Berthold Indian Reservation are owned by groups of 20 or more individuals, and some tracts are owned by 200 individuals. In many instances, these individuals have not been identified or cannot be located. The requirements of the 1909 law have proven to be so difficult to meet that very little oil production has taken place on individually owned Indian land within a geological basin which has produced over 1 billion barrels of oil.

The Mandan Indian Nation and the Hidatsa Indian Nation and the Arikara Indian Nation all support S. 1079. The administration supports S. 1079. And the gentleman from North Dakota [Mr. POMEROY], who has introduced a companion bill, H.R. 2309, also supports S. 1079.

Also, the bill as amended directs the Secretary of Agriculture to conduct a pilot project on designated lands within the Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities. The text is essentially that which passed the House on July 9, 1997, by a vote of 429 to 1. It has minor changes as amended by the Senate Committee on Energy and Natural Resources. It has one major change adopted by the Senate that takes the 5-year pilot project and allows it to be cut off sooner after amendments to the land management plans pursuant to subsection (i) of that section of the bill.

This is a good piece of legislation. It solves a big problem created by outdated laws and so forth. I recommend that it pass, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume. I thank the gentlewoman from Idaho [Mrs. CHENOWETH], the subcommittee Chair, for her assistance in this matter. She has superbly described S. 1079.

I would add, I would have preferred the consideration of this in an unamended form, but I am really pleased that it is before us on the suspension calendar.

I do support the legislation. It is strongly supported by the tribal government at issue. At a time when we are encouraging economic self-sufficiency, the tribal government is eager to explore oil and gas development on tribal lands. Because this reservation wholly lies within the Williston Basin, an area where there has been a lot of successful oil development, their prospects are very good that they will receive leasing activity and the economic development that flows from that; that they will subsequently see oil development and also create a substantial number of jobs in the development of their oil resources.

How cruel our existing policy has been relative to the development of leasing activity within Indian lands. By requiring, as we have done since the 1909 act, virtually every interest owner, no matter how minute, to have to be identified and have them sign off on the proposal, we have essentially shut Indian oil development down cold.

I think that this legislation, which will be so particularly important to the tribe at issue, may also serve as an example that we might follow later on. And so as we help the Fort Berthold Indian Reservation tonight, I believe that we may be doing a favor for all Indian reservations that might be interested in exploring mineral leasing activity in the future. Mr. Speaker, again I thank all in the majority for helping us bring this matter forward.

Mr. MILLER of California. Mr. Speaker, S. 1079 is a bill introduced by Senator DORGAN that allows the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota to take an important step toward future economic development. Congressman POMEROY of North Dakota has sponsored similar legislation in the House.

In an attempt to force Senate action on the Quincy Library Group legislation, the majority has sent S. 1079 to the desk with an unrelated amendment, that with one change is the text of Quincy Library Group bill (H.R. 858) that was reported by the Senate Energy and Natural Resources Committee last month.

Members may recall that when the House considered H.R. 858 in July, I initially opposed the bill. However, after negotiating with Chairman YOUNG, a number of important changes were made to the bill on the House floor. With those changes I voted for the bill. I recognized at the time that the bill was far from a perfect measure but it was significantly improved.

The Senate Energy and Natural Resources Committee has made further changes to the bill. Two of the most important changes were to provide roadless area protection to large areas of the three national forests and to provide the pilot project will end the earlier of when the forest plan is amended or 5 years.

I am pleased to see the language added on roadless area protection. This change provides a statutory basis for such protection but it by no means is the only protection that can be provided. There is no requirement that the Forest Service undertake activities on lands that were not identified as off-base or deferred. The Forest Service has the authority and I expect them to use it to not enter into lands where it has been brought to their attention that such activities would harm either the land or the resources found on those lands.

Likewise, the Senate change on the time limit of the pilot project is an improvement. As I and others had noted, it made no sense to require the Forest Service to continue the pilot project even after the plan amendment process has been completed. This is inconsistent with the normal operation of environmental laws.

Let us not forget, the Quincy Library Group legislation is a pilot project. As such, it sets no precedent for further action on other proposals. In fact, it would be irresponsible to act on other such proposals before this pilot project was completed and we and others had a chance to review its strengths and weaknesses. I still have reservations on this proposal but it obvious that the bill has been substantively improved from where it started out. I expect the Forest Service to see that all environmental laws are complied with, as the bill requires.

Mr. Speaker, I will not oppose the nongermane amendment that is being offered to S. 1079 but I must question the majority's tactic of using this bill as an attempt to force Senate action of the Quincy Library Group legislation. The only thing this strategy has to offer is that the Senate will have before it two Quincy bills before it rather than one.

I regret the S. 1079 is being held hostage. The underlying bill would allow the Secretary of the Interior to approve the mineral lease of lands for individual Indians living on the Fort Berthold Reservation when a majority of interest owners have agreed to the lease. Otherwise, approval of the lease would require unanimous consent of all the interest owners.

Because many of the ownership of interests individual Indian lands have been divided and subdivided into hundreds of shares over the past century, leasing of these Indian lands for any purpose has posed an insurmountable problem because it is nearly impossible for the Bureau of Indian Affairs or the tribes to identify and track down each individual interest owner, much less get their unanimous consent.

Basically, this bill tackles the fractionated heirship problem that plagues many Indian reservations across the country. On the whole it is a good approach and may be considered as one model for national legislation that addresses this problem for all Indian tribes.

Nevertheless, I have two concerns about this bill. The first is procedural. No hearings or other kind of legislative record has been built up here in the House of Representatives. This is not the first time nor, I suspend, the last that Indian bills are going to be handled in this fashion. I just want to point this out for the record.

Second, I remain concerned about a provision in the bill that allows the Secretary to execute a mineral lease on behalf of an Indian owner if the land is in probate and the heirs or devisees have not been determined or cannot be located.

With the extent of fractionated heirship in Indian country, there will certainly be many cases where the heirs have not been determined or cannot be located. In this case, the bill does not impose a requirement that the Secretary make serious effort to determine or locate the heirs. I am concerned that the BIA will simply use this language as an excuse to simply rubber stamp any lease application for lands in probate.

I hope that this will not be the result of this bill and strongly urge the administration to adopt regulations that impose a serious duty to make a good faith effort to give notice to, and determine and locate, those heirs and devisees of lands subject to this bill. Furthermore, the administration should also adopt regulations that at least give the probate process a fair but timely chance of working.

Having voiced these concerns, I will support passage of this bill.

Mr. POMEROY. Mr. Speaker, I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 1079, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "A bill to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease, to direct the Secretary of Agriculture to conduct a pilot project on designated national forest lands in California to demonstrate the effectiveness of resource management activities proposed by the Quincy Library Group, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

IRAN MISSILE PROLIFERATION SANCTIONS ACT OF 1997

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2709) to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles, as amended.

The Clerk read as follows:

H.R. 2709

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

TITLE I—IRAN MISSILE PROLIFERATION SANCTIONS

SEC. 101. SHORT TITLE.

This title may be cited as the "Iran Missile Proliferation Sanctions Act of 1997".

SEC. 102. REPORTS ON MISSILE PROLIFERATION TO IRAN.

(a) REPORTS.—Except as provided in subsection (c), the President shall, at the times specified in subsection (b), submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report identifying every foreign person with respect to whom there is credible information indicating that that person, on or after August 8, 1995—

(1)(A) transferred items on the MTCR Annex, or items that the United States proposes for addition to the MTCR Annex, that contributed to Iran's efforts to acquire, develop, or produce ballistic missiles, or

(B) provided technical assistance or facilities which the President deems to be of concern because of their direct contribution to Iran's efforts to acquire, develop, or produce ballistic missiles; or

(2)(A) attempted to transfer items on the MTCR Annex, or items that the United States proposes for addition to the MTCR Annex, that would have contributed to Iran's efforts to acquire, develop, or produce ballistic missiles, or

(B) attempted to provide technical assistance or facilities which the President deems to be of concern because of their direct contribution to Iran's efforts to acquire, develop, or produce ballistic missiles.

(b) TIMING OF REPORTS.—The reports under subsection (a) shall be submitted not later than 30 days after the date of the enactment of this Act, not later than 180 days after such date of enactment, not later than 1 year after such date of enactment, and not later than the end of each 1-year period thereafter.

(c) EXCEPTIONS.—Any foreign person who—

(1) was identified in a previous report submitted under subsection (a) on account of a particular transfer, transaction, or attempt,

(2) has engaged in a transfer or transaction that was the basis for the imposition of sanctions with respect to that person under section 73 of the Arms Export Control Act or section 1604 of the Iran-Iraq Arms Non-Proliferation Act of 1992,

(3) may have engaged in a transfer or transaction, or made an attempt, that was the subject of a waiver under section 104, or

(4) has engaged in a transfer or transaction, or made an attempt, on behalf of, or in concert with, the Government of the United States,

is not required to be identified on account of that same transfer, transaction, or attempt in any report submitted thereafter under this section.

(d) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, reports submitted under subsection (a), or appropriate parts thereof, may be submitted in classified form.

SEC. 103. IMPOSITION OF SANCTIONS.

(a) REQUIREMENT TO IMPOSE SANCTIONS.—

(1) REQUIREMENT TO IMPOSE SANCTIONS.—The sanctions described in subsection (b) shall be imposed on—

(A) any foreign person identified under subsection (a)(1) of section 102 in a report submitted under that section, and

(B) any foreign person identified under subsection (a)(2) of section 102 in a report submitted under that section, if that person has been identified in that report or a previous report as having made at least 1 other attempt described in subsection (a)(2) of that section.

(2) EFFECTIVE DATE OF SANCTIONS.—The sanctions shall be effective—

(A) 30 days after the report triggering the sanction is submitted, if the report is submitted on or before the date required by section 102(b);

(B) 30 days after the date required by section 102(b) for submitting the report, if the report triggering the sanction is submitted within 30 days after that date; and

(C) on the date that the report triggering the sanction is submitted, if that report is submitted more than 30 days after the date required by section 102(b).

(b) DESCRIPTION OF SANCTIONS.—The sanctions referred to in subsection (a) that are to be imposed on a foreign person described in that subsection are the following:

(1) ARMS EXPORT SANCTION.—For a period of not less than 2 years, the United States Government shall not sell to that person any item on the United States Munitions List as in effect on August 8, 1995, and shall terminate sales to that person of any defense articles, defense services, or design and construction services under the Arms Export Control Act.

(2) DUAL USE SANCTION.—For a period of not less than 2 years, the authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit the export to that person of any goods or technology on the control list established under section 5(c)(1) of that Act.

(3) UNITED STATES ASSISTANCE.—For a period of not less than 2 years, the United States Government shall not provide any assistance in the form of grants, loans, credits, guarantees, or otherwise, to that person.

SEC. 104. WAIVER ON BASIS OF ADDITIONAL INFORMATION.

(a) IN GENERAL.—The President may waive the imposition of any sanction that would otherwise be required under section 103 on any foreign person 15 days after the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that, on the basis of information provided by that person, or otherwise obtained by the President, the President is persuaded that the person did not, on or after August 8, 1995—

(1)(A) transfer items on the MTCR Annex, or items that the United States proposes for addition to the MTCR Annex, that contributed to Iran's efforts to acquire, develop, or produce ballistic missiles, or

(B) provide technical assistance or facilities which the President deems to be of concern because of their direct contribution to Iran's efforts to acquire, develop, or produce ballistic missiles; or

(2) attempt on more than one occasion—

(A) to transfer items on the MTCR Annex, or items that the United States proposes for addition to the MTCR Annex, that would have contributed to Iran's efforts to acquire, develop, or produce ballistic missiles, or

(B) to provide technical assistance or facilities described in paragraph (1)(B).

(b) WRITTEN JUSTIFICATION.—The determination and report of the President under subsection (a) shall include a written justification describing in detail—

(1) the credible information indicating that the person—

(A) transferred items described in section 102(a)(1)(A), or provided technical assistance or facilities described in section 102(a)(1)(B); or

(B) attempted to transfer items described in section 102(a)(1)(A), or attempted to provide technical assistance or facilities described in section 102(a)(1)(B);

(2) the additional information which persuaded the President that the person did not—

(A) transfer items described in section 102(a)(1)(A), or provide technical assistance or facilities described in section 102(a)(1)(B); or

(B) attempt to transfer items described in section 102(a)(1)(A), or attempt to provide technical assistance or facilities described in section 102(a)(1)(B); and

(3) the analysis of the information supporting the President's conclusion.

(c) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, the determination and report of the President under subsection (a) and the written justification under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 105. WAIVER ON BASIS OF NATIONAL SECURITY.

(a) IN GENERAL.—The President may waive the imposition of any sanction that would otherwise be required under section 103 on any foreign person 15 days after the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that such waiver is essential to the national security of the United States.

(b) WRITTEN JUSTIFICATION.—The determination and report of the President under subsection (a) shall include a written justification describing in detail the facts and circumstances supporting the President's conclusion.

(c) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, the determination and report of the President under subsection (a) and the written justification under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 106. ADDITIONAL INFORMATION REGARDING ACTIONS BY GOVERNMENT OF PRIMARY JURISDICTION.

As part of each report submitted under section 102, the President shall include the following information with respect to each foreign person identified in that report:

(1) A statement regarding whether the government of primary jurisdiction over that person was aware of the activities that were the basis for the identification of that person in the report.

(2) If the government of primary jurisdiction was not aware of the activities that were the basis for the identification of that person in the report, an explanation of the reasons why the United States Government did not inform that government of those activities.

(3) If the government of primary jurisdiction was aware of the activities that were the basis for the identification of that person in the report, a description of the efforts, if any, undertaken by that government to prevent those activities, and an assessment of the effectiveness of those efforts, including an explanation of why those efforts failed.

(4) If the government of primary jurisdiction was aware of the activities that were the basis for the identification of that person

in the report and failed to undertake effective efforts to prevent those activities, a description of any sanctions that have been imposed on that government by the United States Government because of such failure.

SEC. 107. PURCHASE OF WEAPONS TECHNOLOGY.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should exercise the authority granted to him under section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854)—

(1) to prevent the transfer of weapons-related material and delivery systems to Iran through the purchase, barter, or other acquisition of such material and delivery systems; and

(2) to prevent the transfer to Iran of scientific and technical expertise with respect to such weapons-related material and delivery systems.

(b) AVAILABILITY OF AMOUNTS.—Amounts hereafter made available, subject to the availability of appropriations, to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to assistance for the independent states of the former Soviet Union) may be used to carry out subsection (a).

SEC. 108. DEFINITIONS.

For the purposes of this title—

(1) the terms "foreign person" and "person" mean—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor or subsidiary of any entity described in subparagraph (B) or (C);

(2) the term "government of primary jurisdiction" means—

(A) in the case of a natural person, the foreign government of the country of which the person is a citizen or national;

(B) in the case of an entity described in subparagraph (B) of paragraph (1), the foreign government of the country in which the entity has its principal place of business, or the foreign government under whose laws that entity is organized; and

(C) in the case of a foreign governmental entity described in subparagraph (C) of paragraph (1), the foreign government of which that entity is a part; and

(3) the term "MTCR Annex" has the meaning given that term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. 2410b(c)(4)).

TITLE II—CHEMICAL WEAPONS CONVENTION IMPLEMENTATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Chemical Weapons Convention Implementation Act of 1997".

SEC. 202. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 201. Short title.
Sec. 202. Table of contents.
Sec. 203. Definitions.

Subtitle A—General Provisions

Sec. 211. Designation of United States National Authority.
Sec. 212. No abridgement of constitutional rights.
Sec. 213. Civil liability of the United States.

Subtitle B—Penalties for Unlawful Activities Subject to the Jurisdiction of the United States

CHAPTER 1—CRIMINAL AND CIVIL PENALTIES

Sec. 221. Criminal and civil provisions.

CHAPTER 2—REVOCATIONS OF EXPORT PRIVILEGES

Sec. 222. Revocations of export privileges.

Subtitle C—Inspections

Sec. 231. Definitions in the subtitle.
Sec. 232. Facility agreements.
Sec. 233. Authority to conduct inspections.
Sec. 234. Procedures for inspections.
Sec. 235. Warrants.
Sec. 236. Prohibited acts relating to inspections.
Sec. 237. National security exception.
Sec. 238. Protection of constitutional rights of contractors.
Sec. 239. Annual report on inspections.
Sec. 240. United States assistance in inspections at private facilities.

Subtitle D—Reports

Sec. 251. Reports required by the United States National Authority.
Sec. 252. Prohibition relating to low concentrations of schedule 2 and 3 chemicals.
Sec. 253. Prohibition relating to unscheduled discrete organic chemicals and coincidental byproducts in waste streams.
Sec. 254. Confidentiality of information.
Sec. 255. Recordkeeping violations.

Subtitle E—Enforcement

Sec. 261. Penalties.
Sec. 262. Specific enforcement.
Sec. 263. Expedited judicial review.

Subtitle F—Miscellaneous Provisions

Sec. 271. Repeal.
Sec. 272. Prohibition.
Sec. 273. Bankruptcy actions.

SEC. 203. DEFINITIONS.

In this title:

(1) CHEMICAL WEAPON.—The term "chemical weapon" means the following, together or separately:

(A) A toxic chemical and its precursors, except where intended for a purpose not prohibited under this title as long as the type and quantity is consistent with such a purpose.

(B) A munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munition or device.

(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

(2) CHEMICAL WEAPONS CONVENTION; CONVENTION.—The terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) KEY COMPONENT OF A BINARY OR MULTICOMPONENT CHEMICAL SYSTEM.—The term "key component of a binary or multicomponent chemical system" means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

(4) NATIONAL OF THE UNITED STATES.—The term "national of the United States" has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(5) ORGANIZATION.—The term "Organization" means the Organization for the Prohibition of Chemical Weapons.

(6) PERSON.—The term "person", except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

(7) PRECURSOR.—

(A) IN GENERAL.—The term "precursor" means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. The term includes any key component of a binary or multicomponent chemical system.

(B) LIST OF PRECURSORS.—Precursors which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

(8) PURPOSES NOT PROHIBITED BY THIS TITLE.—The term "purposes not prohibited by this title" means the following:

(A) PEACEFUL PURPOSES.—Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity.

(B) PROTECTIVE PURPOSES.—Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons.

(C) UNRELATED MILITARY PURPOSES.—Any military purpose of the United States that is not connected with the use of a chemical weapon and that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

(D) LAW ENFORCEMENT PURPOSES.—Any law enforcement purpose, including any domestic riot control purpose and including imposition of capital punishment.

(9) TECHNICAL SECRETARIAT.—The term "Technical Secretariat" means the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons established by the Chemical Weapons Convention.

(10) SCHEDULE 1 CHEMICAL AGENT.—The term 'Schedule 1 chemical agent' means any of the following, together or separately:

(A) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates (e.g. Sarin: O-Isopropyl methylphosphonofluoridate Soman: O-Pinacolyl methylphosphonofluoridate).

(B) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidocyanidates (e.g. Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate).

(C) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts (e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate).

(D) Sulfur mustards:
2-Chloroethylchloromethylsulfide
Mustard gas: (Bis(2-chloroethyl)sulfide
Bis(2-chloroethylthio)methane
Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane

1,3-Bis(2-chloroethylthio)-n-propane
1,4-Bis(2-chloroethylthio)-n-butane
1,5-Bis(2-chloroethylthio)-n-pentane
Bis(2-chloroethylthiomethyl)ether
O-Mustard: Bis(2-chloroethylthioethyl)ether.

(E) Lewisites:
Lewisite 1: 2-Chlorovinyldichloroarsine
Lewisite 2: Bis(2-chlorovinyl)chloroarsine
Lewisite 3: Tris (2-clorovinyl)arsine.

(F) Nitrogen mustards:
HN1: Bis(2-chloroethyl)ethylamine
HN2: Bis(2-chloroethyl)methylamine
HN3: Tris(2-chloroethyl)amine.

(G) Saxitoxin.
(H) Ricin.

(I) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides
e.g. DF: Methylphosphonyldifluoride.

(J) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl)O-2-dialkyl
(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl
(Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts
e.g. QL: O-Ethyl O-2-diisopropylaminoethyl methylphosphonite.

(K) Chlorosarin: O-Isopropyl methylphosphonochloridate.

(L) Chlorosoman: O-Pinacolyl methylphosphonochloridate.

(11) SCHEDULE 2 CHEMICAL AGENT.—The term 'Schedule 2 chemical agent' means the following, together or separately:

(A) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl]
phosphorothiolate and corresponding alkylated or protonated salts.

(B) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene.

(C) BZ: 3-Quinuclidinyl benzilate

(D) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,
e.g. Methylphosphonyl dichloride Dimethyl methylphosphonate
Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate.

(E) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides.

(F) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates.

(G) arsenic trichloride.
(H) 2,2-Diphenyl-2-hydroxyacetic acid.
(I) Quinuclidine-3-ol.

(J) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts.

(K) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts
Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts N,N-Diethylaminoethanol and corresponding protonated salts.

(L) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts.

(M) Thiodiglycol: Bis(2-hydroxyethyl)sulfide.

(N) Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol.

(12) SCHEDULE 3 CHEMICAL AGENT.—The term 'Schedule 3 chemical agent' means any the following, together or separately:

(A) Phosgene: carbonyl dichloride.
(B) Cyanogen chloride.
(C) Hydrogen cyanide.
(D) Chloropicrin: trichloronitromethane.
(E) Phosphorous oxychloride.
(F) Phosphorous trichloride.
(G) Phosphorous pentachloride.
(H) Trimethyl phosphite.
(I) Triethyl phosphite.
(J) Dimethyl phosphite.
(K) Diethyl phosphite.
(L) Sulfur monochloride.
(M) Sulfur dichloride.
(N) Thionyl chloride.
(O) Ethyldiethanolamine.
(P) Methyldiethanolamine.
(Q) Triethanolamine.

(13) TOXIC CHEMICAL.—

(A) IN GENERAL.—The term "toxic chemical" means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. The term includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

(B) LIST OF TOXIC CHEMICALS.—Toxic chemicals which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

(14) UNITED STATES.—The term "United States" means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

(A) any of the places within the provisions of paragraph (41) of section 40102 of title 49, United States Code;

(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (37), respectively, of section 40102 of title 49, United States Code; and

(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(b)).

(15) UNSCHEDULED DISCRETE ORGANIC CHEMICAL.—The term "unscheduled discrete organic chemical" means any chemical not listed on any schedule contained in the Annex on Chemicals of the Convention that belongs to the class of chemical compounds consisting of all compounds of carbon, except for its oxides, sulfides, and metal carbonates.

Subtitle A—General Provisions

SEC. 211. DESIGNATION OF UNITED STATES NATIONAL AUTHORITY.

(a) DESIGNATION.—Pursuant to paragraph 4 of Article VII of the Chemical Weapons Convention, the President shall designate the Department of State to be the United States National Authority.

(b) PURPOSES.—The United States National Authority shall—

(1) serve as the national focal point for effective liaison with the Organization for the Prohibition of Chemical Weapons and other States Parties to the Convention; and

(2) implement the provisions of this title in coordination with an interagency group designated by the President consisting of the Secretary of Commerce, Secretary of Defense, Secretary of Energy, the Attorney General, and the heads of agencies considered necessary or advisable by the President.

(c) DIRECTOR.—The Secretary of State shall serve as the Director of the United States National Authority.

(d) POWERS.—The Director may utilize the administrative authorities otherwise available to the Secretary of State in carrying out the responsibilities of the Director set forth in this title.

(e) IMPLEMENTATION.—The President is authorized to implement and carry out the provisions of this title and the Convention and shall designate through Executive order which agencies of the United States shall issue, amend, or revise the regulations in order to implement this title and the provisions of the Convention. The Director of the United States National Authority shall report to the Congress on the regulations that have been issued, implemented, or revised pursuant to this section.

SEC. 212. NO ABRIDGEMENT OF CONSTITUTIONAL RIGHTS.

No person may be required, as a condition for entering into a contract with the United States or as a condition for receiving any benefit from the United States, to waive any right under the Constitution for any purpose related to this title or the Convention.

SEC. 213. CIVIL LIABILITY OF THE UNITED STATES.

(a) CLAIMS FOR TAKING OF PROPERTY.—

(1) JURISDICTION OF COURTS OF THE UNITED STATES.—

(A) UNITED STATES COURT OF FEDERAL CLAIMS.—The United States Court of Federal Claims shall, subject to subparagraph (B), have jurisdiction of any civil action or claim against the United States for any taking of property without just compensation that occurs by reason of the action of any officer or employee of the Organization for the Prohibition of Chemical Weapons, including any member of an inspection team of the Technical Secretariat, or by reason of the action of any officer or employee of the United States pursuant to this title or the Convention. For purposes of this subsection, action taken pursuant to or under the color of this title or the Convention shall be deemed to be action taken by the United States for a public purpose.

(B) DISTRICT COURTS.—The district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any civil action or claim described in subparagraph (A) that does not exceed $10,000.

(2) NOTIFICATION.—Any person intending to bring a civil action pursuant to paragraph (1) shall notify the United States National Authority of that intent at least one year before filing the claim in the United States Court of Federal Claims. Action on any claim filed during that one-year period shall be stayed. The one-year period following the notification shall not be counted for purposes of any law limiting the period within which the civil action may be commenced.

(3) INITIAL STEPS BY UNITED STATES GOVERNMENT TO SEEK REMEDIES.—During the period between a notification pursuant to paragraph (2) and the filing of a claim covered by the notification in the United States Court of Federal Claims, the United States National Authority shall pursue all diplomatic and other remedies that the United States National Authority considers necessary and appropriate to seek redress for the claim including, but not limited to, the remedies provided for in the Convention and under this title.

(4) BURDEN OF PROOF.—In any civil action under paragraph (1), the plaintiff shall have the burden to establish a prima facie case that, due to acts or omissions of any official of the Organization or any member of an inspection team of the Technical Secretariat taken under the color of the Convention, proprietary information of the plaintiff has been divulged or taken without authorization. If the United States Court of Federal Claims finds that the plaintiff has demonstrated such a prima facie case, the burden shall shift to the United States to disprove

the plaintiff's claim. In deciding whether the plaintiff has carried its burden, the United States Court of Federal Claims shall consider, among other things—

(A) the value of proprietary information;

(B) the availability of the proprietary information;

(C) the extent to which the proprietary information is based on patents, trade secrets, or other protected intellectual property;

(D) the significance of proprietary information; and

(E) the emergence of technology elsewhere a reasonable time after the inspection.

(b) TORT LIABILITY.—The district courts of the United States shall have exclusive jurisdiction of civil actions for money damages for any tort under the Constitution or any Federal or State law arising from the acts or omissions of any officer or employee of the United States or the Organization, including any member of an inspection team of the Technical Secretariat, taken pursuant to or under color of the Convention or this title.

(c) WAIVER OF SOVEREIGN IMMUNITY OF THE UNITED STATES.—In any action under subsection (a) or (b), the United States may not raise sovereign immunity as a defense.

(d) AUTHORITY FOR CAUSE OF ACTION.—

(1) UNITED STATES ACTIONS IN UNITED STATES DISTRICT COURT.—Notwithstanding any other law, the Attorney General of the United States is authorized to bring an action in the United States District Court for the District of Columbia against any foreign nation for money damages resulting from that nation's refusal to provide indemnification to the United States for any liability imposed on the United States by virtue of the actions of an inspector of the Technical Secretariat who is a national of that foreign nation acting at the direction or the behest of that foreign nation.

(2) UNITED STATES ACTIONS IN COURTS OUTSIDE THE UNITED STATES.—The Attorney General is authorized to seek any and all available redress in any international tribunal for indemnification to the United States for any liability imposed on the United States by virtue of the actions of an inspector of the Technical Secretariat, and to seek such redress in the courts of the foreign nation from which the inspector is a national.

(3) ACTIONS BROUGHT BY INDIVIDUALS AND BUSINESSES.—Notwithstanding any other law, any national of the United States, or any business entity organized and operating under the laws of the United States, may bring a civil action in a United States District Court for money damages against any foreign national or any business entity organized and operating under the laws of a foreign nation for an unauthorized or unlawful acquisition, receipt, transmission, or use of property by or on behalf of such foreign national or business entity as a result of any tort under the Constitution or any Federal or State law arising from acts or omissions by any officer or employee of the United States or any member of an inspection team of the Technical Secretariat taken pursuant to or under the color of the Convention or this title.

(e) RECOUPMENT.—

(1) POLICY.—It is the policy of the United States to recoup all funds withdrawn from the Treasury of the United States in payment for any tort under Federal or State law or taking under the Constitution arising from the acts or omissions of any foreign person, officer, or employee of the Organization, including any member of an inspection team of the Technical Secretariat, taken under color of the Chemical Weapons Convention or this title.

(2) SANCTIONS ON FOREIGN COMPANIES.—

(A) IMPOSITION OF SANCTIONS.—The sanctions provided in subparagraph (B) shall be imposed for a period of not less than ten years upon—

(i) any foreign person, officer, or employee of the Organization, including any member of an inspection team of the Technical Secretariat, for whose actions or omissions the United States has been held liable for a tort or taking pursuant to this title; and

(ii) any foreign person or business entity organized and operating under the laws of a foreign nation which knowingly assisted, encouraged or induced, in any way, a foreign person described in clause (i) to publish, divulge, disclose, or make known in any manner or to any extent not authorized by the Convention any United States confidential business information.

(B) SANCTIONS.—

(i) ARMS EXPORT TRANSACTIONS.—The United States Government shall not sell to a person described in subparagraph (A) any item on the United States Munitions List and shall terminate sales of any defense articles, defense services, or design and construction services to a person described in subparagraph (A) under the Arms Export Control Act.

(ii) SANCTIONS UNDER EXPORT ADMINISTRATION ACT OF 1979.—The authorities under section 6 of the Export Administration Act of 1979 shall be used to prohibit the export of any goods or technology on the control list established pursuant to section 5(c)(1) of that Act to a person described in subparagraph (A).

(iii) INTERNATIONAL FINANCIAL ASSISTANCE.—The United States shall oppose any loan or financial or technical assistance by international financial institutions in accordance with section 701 of the International Financial Institutions Act to a person described in subparagraph (A).

(iv) EXPORT-IMPORT BANK TRANSACTIONS.—The United States shall not give approval to guarantee, insure, or extend credit, or to participate in the extension of credit to a person described in subparagraph (A) through the Export-Import Bank of the United States.

(v) PRIVATE BANK TRANSACTIONS.—Regulations shall be issued to prohibit any United States bank from making any loan or providing any credit to a person described in subparagraph (A).

(vi) BLOCKING OF ASSETS.—The President shall take all steps necessary to block any transactions in any property subject to the jurisdiction of the United States in which a person described in subparagraph (A) has any interest whatsoever, for the purpose of recouping funds in accordance with the policy in paragraph (1).

(vii) DENIAL OF LANDING RIGHTS.—Landing rights in the United States shall be denied to any private aircraft or air carrier owned by a person described in subparagraph (A) except as necessary to provide for emergencies in which the safety of the aircraft or its crew or passengers is threatened.

(3) SANCTIONS ON FOREIGN GOVERNMENTS.—

(A) IMPOSITION OF SANCTIONS.—Whenever the President determines that persuasive information is available indicating that a foreign country has knowingly assisted, encouraged or induced, in any way, a person described in paragraph (2)(A) to publish, divulge, disclose, or make known in any manner or to any extent not authorized by the Convention any United States confidential business information, the President shall, within 30 days after the receipt of such information by the executive branch of Government, notify the Congress in writing of such determination and, subject to the requirements of paragraphs (4) and (5), impose the sanctions provided under subparagraph (B) for a period of not less than five years.

(B) SANCTIONS.—

(i) ARMS EXPORT TRANSACTIONS.—The United States Government shall not sell a country described in subparagraph (A) any item on the United States Munitions List, shall terminate sales of any defense articles, defense services, or design and construction services to that country under the Arms Export Control Act, and shall terminate all foreign military financing for that country under the Arms Export Control Act.

(ii) DENIAL OF CERTAIN LICENSES.—Licenses shall not be issued for the export to the sanctioned country of any item on the United States Munitions List or commercial satellites.

(iii) DENIAL OF ASSISTANCE.—No appropriated funds may be used for the purpose of providing economic assistance, providing military assistance or grant military education and training, or extending military credits or making guarantees to a country described in subparagraph (A).

(iv) SANCTIONS UNDER EXPORT ADMINISTRATION ACT OF 1979.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit the export of any goods or technology on the control list established pursuant to section 5(c)(1) of that Act to a country described in subparagraph (A).

(v) INTERNATIONAL FINANCIAL ASSISTANCE.—The United States shall oppose any loan or financial or technical assistance by international financial institutions in accordance with section 701 of the International Financial Institutions Act to a country described in subparagraph (A).

(vi) TERMINATION OF ASSISTANCE UNDER FOREIGN ASSISTANCE ACT OF 1961.—The United States shall terminate all assistance to a country described in subparagraph (A) under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance.

(vii) PRIVATE BANK TRANSACTIONS.—The United States shall not give approval to guarantee, insure, or extend credit, or participate in the extension of credit through the Export-Import Bank of the United States to a country described in subparagraph (A).

(viii) PRIVATE BANK TRANSACTIONS.—Regulations shall be issued to prohibit any United States bank from making any loan or providing any credit to a country described in subparagraph (A).

(ix) DENIAL OF LANDING RIGHTS.—Landing rights in the United States shall be denied to any air carrier owned by a country described in subparagraph (A), except as necessary to provide for emergencies in which the safety of the aircraft or its crew or passengers is threatened.

(4) SUSPENSION OF SANCTIONS UPON RECOUPMENT BY PAYMENT.—Sanctions imposed under paragraph (2) or (3) may be suspended if the sanctioned person, business entity, or country, within the period specified in that paragraph, provides full and complete compensation to the United States Government, in convertible foreign exchange or other mutually acceptable compensation equivalent to the full value thereof, in satisfaction of a tort or taking for which the United States has been held liable pursuant to this title.

(5) WAIVER OF SANCTIONS ON FOREIGN COUNTRIES.—The President may waive some or all of the sanctions provided under paragraph (3)

in a particular case if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that such waiver is necessary to protect the national security interests of the United States. The certification shall set forth the reasons supporting the determination and shall take effect on the date on which the certification is received by the Congress.

(6) NOTIFICATION TO CONGRESS.—Not later than five days after sanctions become effective against a foreign person pursuant to this title, the President shall transmit written notification of the imposition of sanctions against that foreign person to the chairmen and ranking members of the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(f) SANCTIONS FOR UNAUTHORIZED DISCLOSURE OF UNITED STATES CONFIDENTIAL BUSINESS INFORMATION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States any alien who, after the date of enactment of this Act—

(1) is, or previously served as, an officer or employee of the Organization and who has willfully published, divulged, disclosed, or made known in any manner or to any extent not authorized by the Convention any United States confidential business information coming to him in the course of his employment or official duties, or by reason of any examination or investigation of any return, report, or record made to or filed with the Organization, or any officer or employee thereof, such practice or disclosure having resulted in financial loses or damages to a United States person and for which actions or omissions the United States has been found liable of a tort or taking pursuant to this title;

(2) traffics in United States confidential business information, a proven claim to which is owned by a United States national;

(3) is a corporate officer, principal, shareholder with a controlling interest of an entity which has been involved in the unauthorized disclosure of United States confidential business information, a proven claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(g) UNITED STATES CONFIDENTIAL BUSINESS INFORMATION DEFINED.—In this section, the term "United States confidential business information" means any trade secrets or commercial or financial information that is privileged and confidential—

(1) including—

(A) data described in section 234(e)(2) of this Act,

(B) any chemical structure,

(C) any plant design process, technology, or operating method,

(D) any operating requirement, input, or result that identifies any type or quantity of chemicals used, processed, or produced, or

(E) any commercial sale, shipment, or use of a chemical, or

(2) as described in section 552(b)(4) of title 5, United States Code,

and that is obtained—

(i) from a United States person; or

(ii) through the United States Government or the conduct of an inspection on United States territory under the Convention.

Subtitle B—Penalties for Unlawful Activities Subject to the Jurisdiction of the United States

CHAPTER 1—CRIMINAL AND CIVIL PENALTIES

SEC. 221. CRIMINAL AND CIVIL PROVISIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 11A the following new chapter:

"CHAPTER 11B—CHEMICAL WEAPONS

"Sec.
"229. Prohibited activities.
"229A. Penalties.
"229B. Criminal forfeitures; destruction of weapons.
"229C. Individual self-defense devices.
"229D. Injunctions.
"229E. Requests for military assistance to enforce prohibition in certain emergencies.
"229F. Definitions.

"§ 229. Prohibited activities

"(a) UNLAWFUL CONDUCT.—Except as provided in subsection (b), it shall be unlawful for any person knowingly—

"(1) to develop, produce, otherwise acquire, transfer directly or indirectly, receive, stockpile, retain, own, possess, or use, or threaten to use, any chemical weapon; or

"(2) to assist or induce, in any way, any person to violate paragraph (1), or to attempt or conspire to violate paragraph (1).

"(b) EXEMPTED AGENCIES AND PERSONS.—

"(1) IN GENERAL.—Subsection (a) does not apply to the retention, ownership, possession, transfer, or receipt of a chemical weapon by a department, agency, or other entity of the United States, or by a person described in paragraph (2), pending destruction of the weapon.

"(2) EXEMPTED PERSONS.—A person referred to in paragraph (1) is—

"(A) any person, including a member of the Armed Forces of the United States, who is authorized by law or by an appropriate officer of the United States to retain, own, possess, transfer, or receive the chemical weapon; or

"(B) in an emergency situation, any otherwise nonculpable person if the person is attempting to destroy or seize the weapon.

"(c) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if the prohibited conduct—

"(1) takes place in the United States;

"(2) takes place outside of the United States and is committed by a national of the United States;

"(3) is committed against a national of the United States while the national is outside the United States; or

"(4) is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States.

"§ 229A. Penalties

"(a) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Any person who violates section 229 of this title shall be fined under this title, or imprisoned for any term of years, or both.

"(2) DEATH PENALTY.—Any person who violates section 229 of this title and by whose action the death of another person is the result shall be punished by death or imprisoned for life.

"(b) CIVIL PENALTIES.—

"(1) IN GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any person who violates section 229 of this title and, upon proof of such violation by a preponderance of the evidence, such person shall be subject to pay a civil penalty in an amount not to exceed $100,000 for each such violation.

"(2) RELATION TO OTHER PROCEEDINGS.—The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(c) REIMBURSEMENT OF COSTS.—The court shall order any person convicted of an offense under subsection (a) to reimburse the United States for any expenses incurred by the United States incident to the seizure, storage, handling, transportation, and destruction or other disposition of any property that was seized in connection with an investigation of the commission of the offense by that person. A person ordered to reimburse the United States for expenses under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered under this subsection to reimburse the United States for the same expenses.

"§ 229B. Criminal forfeitures; destruction of weapons

"(a) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Any person convicted under section 229A(a) shall forfeit to the United States irrespective of any provision of State law—

"(1) any property, real or personal, owned, possessed, or used by a person involved in the offense;

"(2) any property constituting, or derived from, and proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(3) any of the property used in any manner or part, to commit, or to facilitate the commission of, such violation.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to section 229A(a), that the person forfeit to the United States all property described in this subsection. In lieu of a fine otherwise authorized by section 229A(a), a defendant who derived profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.

"(b) PROCEDURES.—

"(1) GENERAL.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (b) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except that any reference under those subsections to—

"(A) 'this subchapter or subchapter II' shall be deemed to be a reference to section 229A(a); and

"(B) 'subsection (a)' shall be deemed to be a reference to subsection (a) of this section.

"(2) TEMPORARY RESTRAINING ORDERS.—

"(A) IN GENERAL.—For the purposes of forfeiture proceedings under this section, a temporary restraining order may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if, in addition to the circumstances described in section 413(e)(2) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(e)(2)), the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and exigent circumstances exist

that place the life or health of any person in danger.

"(B) WARRANT OF SEIZURE.—If the court enters a temporary restraining order under this paragraph, it shall also issue a warrant authorizing the seizure of such property.

"(C) APPLICABLE PROCEDURES.—The procedures and time limits applicable to temporary restraining orders under section 413(e) (2) and (3) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(e) (2) and (3)) shall apply to temporary restraining orders under this paragraph.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense against a forfeiture under subsection (b) that the property—

"(1) is for a purpose not prohibited under the Chemical Weapons Convention; and

"(2) is of a type and quantity that under the circumstances is consistent with that purpose.

"(d) DESTRUCTION OR OTHER DISPOSITION.—The Attorney General shall provide for the destruction or other appropriate disposition of any chemical weapon seized and forfeited pursuant to this section.

"(e) ASSISTANCE.—The Attorney General may request the head of any agency of the United States to assist in the handling, storage, transportation, or destruction of property seized under this section.

"(f) OWNER LIABILITY.—The owner or possessor of any property seized under this section shall be liable to the United States for any expenses incurred incident to the seizure, including any expenses relating to the handling, storage, transportation, and destruction or other disposition of the seized property.

"§ 229C. Individual self-defense devices

"Nothing in this chapter shall be construed to prohibit any individual self-defense device, including those using a pepper spray or chemical mace.

"§ 229D. Injunctions

"The United States may obtain in a civil action an injunction against—

"(1) the conduct prohibited under section 229 or 229C of this title; or

"(2) the preparation or solicitation to engage in conduct prohibited under section 229 or 229D of this title.

"§ 229E. Requests for military assistance to enforce prohibition in certain emergencies

"The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 229 of this title in an emergency situation involving a chemical weapon. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.

"§ 229F. Definitions

"In this chapter:

"(1) CHEMICAL WEAPON.—The term 'chemical weapon' means the following, together or separately:

"(A) A toxic chemical and its precursors, except where intended for a purpose not prohibited under this chapter as long as the type and quantity is consistent with such a purpose.

"(B) A munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munition or device.

"(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

"(2) CHEMICAL WEAPONS CONVENTION; CONVENTION.—The terms 'Chemical Weapons Convention' and 'Convention' mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

"(3) KEY COMPONENT OF A BINARY OR MULTICOMPONENT CHEMICAL SYSTEM.—The term 'key component of a binary or multicomponent chemical system' means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

"(4) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(5) PERSON.—The term 'person', except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

"(6) PRECURSOR.—

"(A) IN GENERAL.—The term 'precursor' means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. The term includes any key component of a binary or multicomponent chemical system.

"(B) LIST OF PRECURSORS.—Precursors which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

"(7) PURPOSES NOT PROHIBITED BY THIS CHAPTER.—The term 'purposes not prohibited by this chapter' means the following:

"(A) PEACEFUL PURPOSES.—Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity.

"(B) PROTECTIVE PURPOSES.—Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons.

"(C) UNRELATED MILITARY PURPOSES.—Any military purpose of the United States that is not connected with the use of a chemical weapon or that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

"(D) LAW ENFORCEMENT PURPOSES.—Any law enforcement purpose, including any domestic riot control purpose and including imposition of capital punishment.

"(8) TOXIC CHEMICAL.—

"(A) IN GENERAL.—The term 'toxic chemical' means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. The term includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

"(B) LIST OF TOXIC CHEMICALS.—Toxic chemicals which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

"(9) UNITED STATES.—The term 'United States' means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

"(A) any of the places within the provisions of paragraph (41) of section 40102 of title 49;

"(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (37), respectively, of section 40102 of title 49; and

"(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(b)).".

(b) CONFORMING AMENDMENTS.—

(1) WEAPONS OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) by striking "**§ 2332a. Use of weapons of mass destruction**" and inserting "**§ 2332a. Use of certain weapons of mass destruction**";

(B) in subsection (a), by inserting "(other than a chemical weapon as that term is defined in section 229F)" after "weapon of mass destruction"; and

(C) in subsection (b), by inserting "(other than a chemical weapon (as that term is defined in section 229F))" after "weapon of mass destruction".

(2) TABLE OF CHAPTERS.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 11A the following new item:

"11B. Chemical Weapons ..... 229".

(c) REPEALS.—The following provisions of law are repealed:

(1) Section 2332c of title 18, United States Code, relating to chemical weapons.

(2) In the table of sections for chapter 113B of title 18, United States Code, the item relating to section 2332c.

CHAPTER 2—REVOCATIONS OF EXPORT PRIVILEGES

SEC. 222. REVOCATIONS OF EXPORT PRIVILEGES.

If the President determines, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that any person within the United States, or any national of the United States located outside the United States, has committed any violation of section 229 of title 18, United States Code, the President may issue an order for the suspension or revocation of the authority of the person to export from the United States any goods or technology (as such terms are defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415)).

Subtitle C—Inspections

SEC. 231. DEFINITIONS IN THE SUBTITLE.

(a) IN GENERAL.—In this subtitle, the terms "challenge inspection", "plant site", "plant", "facility agreement", "inspection team", and "requesting state party" have the meanings given those terms in Part I of the Annex on Implementation and Verification of the Chemical Weapons Convention. The term "routine inspection" means an inspection, other than an "initial inspection", undertaken pursuant to Article VI of the Convention.

(b) DEFINITION OF JUDGE OF THE UNITED STATES.—In this subtitle, the term "judge of the United States" means a judge or magistrate judge of a district court of the United States.

SEC. 232. FACILITY AGREEMENTS.

(a) AUTHORIZATION OF INSPECTIONS.—Inspections by the Technical Secretariat of

plants, plant sites, or other facilities or locations for which the United States has a facility agreement with the Organization shall be conducted in accordance with the facility agreement. Any such facility agreement may not in any way limit the right of the owner or operator of the facility to withhold consent to an inspection request.

(b) TYPES OF FACILITY AGREEMENTS.—

(1) SCHEDULE TWO FACILITIES.—The United States National Authority shall ensure that facility agreements for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraph 4 of Article VI of the Convention are concluded unless the owner, operator, occupant, or agent in charge of the facility and the Technical Secretariat agree that such an agreement is not necessary.

(2) SCHEDULE THREE FACILITIES.—The United States National Authority shall ensure that facility agreements are concluded for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraph 5 or 6 of Article VI of the Convention if so requested by the owner, operator, occupant, or agent in charge of the facility.

(c) NOTIFICATION REQUIREMENTS.—The United States National Authority shall ensure that the owner, operator, occupant, or agent in charge of a facility prior to the development of the agreement relating to that facility is notified and, if the person notified so requests, the person may participate in the preparations for the negotiation of such an agreement. To the maximum extent practicable consistent with the Convention, the owner and the operator, occupant or agent in charge of a facility may observe negotiations of the agreement between the United States and the Organization concerning that facility.

(d) CONTENT OF FACILITY AGREEMENTS.—Facility agreements shall—

(1) identify the areas, equipment, computers, records, data, and samples subject to inspection;

(2) describe the procedures for providing notice of an inspection to the owner, occupant, operator, or agent in charge of a facility;

(3) describe the timeframes for inspections; and

(4) detail the areas, equipment, computers, records, data, and samples that are not subject to inspection.

SEC. 233. AUTHORITY TO CONDUCT INSPECTIONS.

(a) PROHIBITION.—No inspection of a plant, plant site, or other facility or location in the United States shall take place under the Convention without the authorization of the United States National Authority in accordance with the requirements of this subtitle.

(b) AUTHORITY.—

(1) TECHNICAL SECRETARIAT INSPECTION TEAMS.—Any duly designated member of an inspection team of the Technical Secretariat may inspect any plant, plant site, or other facility or location in the United States subject to inspection pursuant to the Convention.

(2) UNITED STATES GOVERNMENT REPRESENTATIVES.—The United States National Authority shall coordinate the designation of employees of the Federal Government to accompany members of an inspection team of the Technical Secretariat and, in doing so, shall ensure that—

(A) a special agent of the Federal Bureau of Investigation, as designated by the Federal Bureau of Investigation, accompanies each inspection team visit pursuant to paragraph (1);

(B) no employee of the Environmental Protection Agency or the Occupational Safety and Health Administration accompanies any inspection team visit conducted pursuant to paragraph (1); and

(C) the number of duly designated representatives shall be kept to the minimum necessary.

(3) OBJECTIONS TO INDIVIDUALS SERVING AS INSPECTORS.—

(A) IN GENERAL.—In deciding whether to exercise the right of the United States under the Convention to object to an individual serving as an inspector, the President shall give great weight to his reasonable belief that—

(i) such individual is or has been a member of, or a participant in, any group or organization that has engaged in, or attempted or conspired to engage in, or aided or abetted in the commission of, any terrorist act or activity;

(ii) such individual has committed any act or activity which would be a felony under the laws of the United States; or

(iii) the participation of such individual as a member of an inspection team would pose a risk to the national security or economic well-being of the United States.

(B) NOT SUBJECT TO JUDICIAL REVIEW.—Any objection by the President to an individual serving as an inspector, whether made pursuant to this section or otherwise, shall not be reviewable in any court.

SEC. 234. PROCEDURES FOR INSPECTIONS.

(a) TYPES OF INSPECTIONS.—Each inspection of a plant, plant site, or other facility or location in the United States under the Convention shall be conducted in accordance with this section and section 235, except where other procedures are provided in a facility agreement entered into under section 232.

(b) NOTICE.—

(1) IN GENERAL.—An inspection referred to in subsection (a) may be made only upon issuance of an actual written notice by the United States National Authority to the owner and to the operator, occupant, or agent in charge of the premises to be inspected.

(2) TIME OF NOTIFICATION.—The notice for a routine inspection shall be submitted to the owner and to the operator, occupant, or agent in charge within six hours of receiving the notification of the inspection from the Technical Secretariat or as soon as possible thereafter. Notice for a challenge inspection shall be provided at any appropriate time determined by the United States National Authority. Notices may be posted prominently at the plant, plant site, or other facility or location if the United States is unable to provide actual written notice to the owner, operator, or agent in charge of the premises.

(3) CONTENT OF NOTICE.—

(A) IN GENERAL.—The notice under paragraph (1) shall include all appropriate information supplied by the Technical Secretariat to the United States National Authority concerning—

(i) the type of inspection;

(ii) the basis for the selection of the plant, plant site, or other facility or location for the type of inspection sought;

(iii) the time and date that the inspection will begin and the period covered by the inspection; and

(iv) the names and titles of the inspectors.

(B) SPECIAL RULE FOR CHALLENGE INSPECTIONS.—In the case of a challenge inspection pursuant to Article IX of the Convention, the notice shall also include all appropriate evidence or reasons provided by the requesting state party to the Convention for seeking the inspection.

(4) SEPARATE NOTICES REQUIRED.—A separate notice shall be provided for each inspection, except that a notice shall not be required for each entry made during the period covered by the inspection.

(c) CREDENTIALS.—The head of the inspection team of the Technical Secretariat and the accompanying employees of the Federal government shall display appropriate identifying credentials to the owner, operator, occupant, or agent in charge of the premises before the inspection is commenced.

(d) TIMEFRAME FOR INSPECTIONS.—Consistent with the provisions of the Convention, each inspection shall be commenced and completed with reasonable promptness and shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner.

(e) SCOPE.—

(1) IN GENERAL.—Except as provided in a warrant issued under section 235 or a facility agreement entered into under section 232, an inspection conducted under this subtitle may extend to all things within the premises inspected (including records, files, papers, processes, controls, structures and vehicles) related to whether the requirements of the Convention applicable to such premises have been complied with.

(2) EXCEPTION.—Unless required by the Convention, no inspection under this subtitle shall extend to—

(A) financial data;

(B) sales and marketing data (other than shipment data);

(C) pricing data;

(D) personnel data;

(E) research data;

(F) patent data;

(G) data maintained for compliance with environmental or occupational health and safety regulations; or

(H) personnel and vehicles entering and personnel and personal passenger vehicles exiting the facility.

(f) SAMPLING AND SAFETY.—

(1) IN GENERAL.—The Director of the United States National Authority is authorized to require the provision of samples to a member of the inspection team of the Technical Secretariat in accordance with the provisions of the Convention. The owner or the operator, occupant or agent in charge of the premises to be inspected shall determine whether the sample shall be taken by representatives of the premises or the inspection team or other individuals present. No sample collected in the United States pursuant to an inspection permitted by this title may be transferred for analysis to any laboratory outside the territory of the United States.

(2) COMPLIANCE WITH REGULATIONS.—In carrying out their activities, members of the inspection team of the Technical Secretariat and representatives of agencies or departments accompanying the inspection team shall observe safety regulations established at the premises to be inspected, including those for protection of controlled environments within a facility and for personal safety.

(g) COORDINATION.—The appropriate representatives of the United States, as designated, if present, shall assist the owner and the operator, occupant or agent in charge of the premises to be inspected in interacting with the members of the inspection team of the Technical Secretariat.

SEC. 235. WARRANTS.

(a) IN GENERAL.—The United States Government shall seek the consent of the owner

or the operator, occupant, or agent in charge of the premises to be inspected prior to any inspection referred to in section 304(a). If consent is obtained, a warrant is not required for the inspection. The owner or the operator, occupant, or agent in charge of the premises to be inspected may withhold consent for any reason or no reason. After providing notification pursuant to subsection (b), the United States Government may seek a search warrant from a United States magistrate judge. Proceedings regarding the issuance of a search warrant shall be conducted ex parte, unless otherwise requested by the United States Government.

(b) ROUTINE INSPECTIONS.—

(1) OBTAINING ADMINISTRATIVE SEARCH WARRANTS.—For any routine inspection conducted on the territory of the United States pursuant to Article VI of the Convention, where consent has been withheld, the United States Government shall first obtain an administrative search warrant from a judge of the United States. The United States Government shall provide to the judge of the United States all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought. The United States Government shall also provide any other appropriate information available to it relating to the reasonableness of the selection of the plant, plant site, or other facility or location for the inspection.

(2) CONTENT OF AFFIDAVITS FOR ADMINISTRATIVE SEARCH WARRANTS.—The judge of the United States shall promptly issue a warrant authorizing the requested inspection upon an affidavit submitted by the United States Government showing that—

(A) the Chemical Weapons Convention is in force for the United States;

(B) the plant site, plant, or other facility or location sought to be inspected is required to report data under subtitle D of this title and is subject to routine inspection under the Convention;

(C) the purpose of the inspection is—

(i) in the case of any facility owned or operated by a non-Government entity related to Schedule 1 chemical agents, to verify that the facility is not used to produce any Schedule 1 chemical agent except for declared chemicals; quantities of Schedule 1 chemicals produced, processed, or consumed are correctly declared and consistent with needs for the declared purpose; and Schedule 1 chemicals are not diverted or used for other purposes;

(ii) in the case of any facility related to Schedule 2 chemical agents, to verify that activities are in accordance with obligations under the Convention and consistent with the information provided in data declarations; and

(iii) in the case of any facility related to Schedule 3 chemical agents and any other chemical production facility, to verify that the activities of the facility are consistent with the information provided in data declarations;

(D) the items, documents, and areas to be searched and seized;

(E) in the case of a facility related to Schedule 2 or Schedule 3 chemical agents or unscheduled discrete organic chemicals, the plant site has not been subject to more than 1 routine inspection in the current calendar year, and, in the case of facilities related to Schedule 3 chemical agents or unscheduled discrete organic chemicals, the inspection will not cause the number of routine inspections in the United States to exceed 20 in a calendar year;

(F) the selection of the site was made in accordance with procedures established under the Convention and, in particular—

(i) in the case of any facility owned or operated by a non-Government entity related to Schedule 1 chemical agents, the intensity, duration, timing, and mode of the requested inspection is based on the risk to the object and purpose of the Convention by the quantities of chemical produced, the characteristics of the facility and the nature of activities carried out at the facility, and the requested inspection, when considered with previous such inspections of the facility undertaken in the current calendar year, shall not exceed the number reasonably required based on the risk to the object and purpose of the Convention as described above;

(ii) in the case of any facility related to Schedule 2 chemical agents, the Technical Secretariat gave due consideration to the risk to the object and purpose of the Convention posed by the relevant chemical, the characteristics of the plant site and the nature of activities carried out there, taking into account the respective facility agreement as well as the results of the initial inspections and subsequent inspections; and

(iii) in the case of any facility related to Schedule 3 chemical agents or unscheduled discrete organic chemicals, the facility was selected randomly by the Technical Secretariat using appropriate mechanisms, such as specifically designed computer software, on the basis of two weighting factors: (I) equitable geographical distribution of inspections; and (II) the information on the declared sites available to the Technical Secretariat, related to the relevant chemical, the characteristics of the plant site, and the nature of activities carried out there;

(G) the earliest commencement and latest closing dates and times of the inspection; and

(H) the duration of inspection will not exceed time limits specified in the Convention unless agreed by the owner, operator, or agent in charge of the plant.

(3) CONTENT OF WARRANTS.—A warrant issued under paragraph (2) shall specify the same matters required of an affidavit under that paragraph. In addition to the requirements for a warrant issued under this paragraph, each warrant shall contain, if known, the identities of the representatives of the Technical Secretariat conducting the inspection and the observers of the inspection and, if applicable, the identities of the representatives of agencies or departments of the United States accompanying those representatives.

(4) CHALLENGE INSPECTIONS.—

(A) CRIMINAL SEARCH WARRANT.—For any challenge inspection conducted on the territory of the United States pursuant to Article IX of the Chemical Weapons Convention, where consent has been withheld, the United States Government shall first obtain from a judge of the United States a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing with particularity the place to be searched and the person or things to be seized.

(B) INFORMATION PROVIDED.—The United States Government shall provide to the judge of the United States—

(i) all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought;

(ii) any other appropriate information relating to the reasonableness of the selection of the plant, plant site, or other facility or location for the inspection;

(iii) information concerning—

(I) the duration and scope of the inspection;

(II) areas to be inspected;

(III) records and data to be reviewed; and

(IV) samples to be taken;

(iv) appropriate evidence or reasons provided by the requesting state party for the inspection;

(v) any other evidence showing probable cause to believe that a violation of this title has occurred or is occurring; and

(vi) the identities of the representatives of the Technical Secretariat on the inspection team and the Federal Government employees accompanying the inspection team.

(C) CONTENT OF WARRANT.—The warrant shall specify—

(i) the type of inspection authorized;

(ii) the purpose of the inspection;

(iii) the type of plant site, plant, or other facility or location to be inspected;

(iv) the areas of the plant site, plant, or other facility or location to be inspected;

(v) the items, documents, data, equipment, and computers that may be inspected or seized;

(vi) samples that may be taken;

(vii) the earliest commencement and latest concluding dates and times of the inspection; and

(viii) the identities of the representatives of the Technical Secretariat on the inspection teams and the Federal Government employees accompanying the inspection team.

SEC. 236. PROHIBITED ACTS RELATING TO INSPECTIONS.

It shall be unlawful for any person willfully to fail or refuse to permit entry or inspection, or to disrupt, delay, or otherwise impede an inspection, authorized by this title.

SEC. 237. NATIONAL SECURITY EXCEPTION.

Consistent with the objective of eliminating chemical weapons, the President may deny a request to inspect any facility in the United States in cases where the President determines that the inspection may pose a threat to the national security interests of the United States.

SEC. 238. PROTECTION OF CONSTITUTIONAL RIGHTS OF CONTRACTORS.

(a) The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following:

"SEC. 39. PROTECTION OF CONSTITUTIONAL RIGHTS OF CONTRACTORS.

"(a) PROHIBITION.—A contractor may not be required, as a condition for entering into a contract with the Federal Government, to waive any right under the Constitution for any purpose related to Chemical Weapons Convention Implementation Act of 1997 or the Chemical Weapons Convention (as defined in section 203 of such Act.)

"(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to prohibit an executive agency from including in a contract a clause that requires the contractor to permit inspections for the purpose of ensuring that the contractor is performing the contract in accordance with the provisions of the contract.".

(b) The table of contents in section 1(b) of such Act is amended by adding at the end the following:

"Sec. 39. Protection of constitutional rights of contractors.".

SEC. 239. ANNUAL REPORT ON INSPECTIONS.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, and

annually thereafter, the President shall submit a report in classified and unclassified form to the appropriate congressional committees on inspections made under the Convention during the preceding year.

(b) CONTENT OF REPORTS.—Each report shall contain the following information for the reporting period:

(1) The name of each company or entity subject to the jurisdiction of the United States reporting data pursuant to subtitle D of this title.

(2) The number of inspections under the Convention conducted on the territory of the United States.

(3) The number and identity of inspectors conducting any inspection described in paragraph (2) and the number of inspectors barred from inspection by the United States.

(4) The cost to the United States for each inspection described in paragraph (2).

(5) The total costs borne by United States business firms in the course of inspections described in paragraph (2).

(6) A description of the circumstances surrounding inspections described in paragraph (2), including instances of possible industrial espionage and misconduct of inspectors.

(7) The identity of parties claiming loss of trade secrets, the circumstances surrounding those losses, and the efforts taken by the United States Government to redress those losses.

(8) A description of instances where inspections under the Convention outside the United States have been disrupted or delayed.

(c) DEFINITION.—The term "appropriate congressional committees" means the Committee on the Judiciary, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 240. UNITED STATES ASSISTANCE IN INSPECTIONS AT PRIVATE FACILITIES.

(a) ASSISTANCE IN PREPARATION FOR INSPECTIONS.—At the request of an owner of a facility not owned or operated by the United States Government, or contracted for use by or for the United States Government, the Secretary of Defense may assist the facility to prepare the facility for possible inspections pursuant to the Convention.

(b) REIMBURSEMENT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the owner of a facility provided assistance under subsection (a) shall reimburse the Secretary for the costs incurred by the Secretary in providing the assistance.

(2) EXCEPTION.—In the case of assistance provided under subsection (a) to a facility owned by a person described in subsection (c), the United States National Authority shall reimburse the Secretary for the costs incurred by the Secretary in providing the assistance.

(c) OWNERS COVERED BY UNITED STATES NATIONAL AUTHORITY REIMBURSEMENTS.—Subsection (b)(2) applies in the case of assistance provided to the following:

(1) SMALL BUSINESS CONCERNS.—A small business concern as defined in section 3 of the Small Business Act.

(2) DOMESTIC PRODUCERS OF SCHEDULE 3 OR UNSCHEDULED DISCRETE ORGANIC CHEMICALS.—Any person located in the United States that—

(A) does not possess, produce, process, consume, import, or export any Schedule 1 or Schedule 2 chemical; and

(B) in the calendar year preceding the year in which the assistance is to be provided, produced—

(i) more than 30 metric tons of Schedule 3 or unscheduled discrete organic chemicals that contain phosphorous, sulfur, or fluorine; or

(ii) more than 200 metric tons of unscheduled discrete organic chemicals.

Subtitle D—Reports

SEC. 251. REPORTS REQUIRED BY THE UNITED STATES NATIONAL AUTHORITY.

(a) REGULATIONS ON RECORDKEEPING.—

(1) REQUIREMENTS.—The United States National Authority shall ensure that regulations are prescribed that require each person located in the United States who produces, processes, consumes, exports, or imports, or proposes to produce, process, consume, export, or import, a chemical substance that is subject to the Convention to—

(A) maintain and permit access to records related to that production, processing, consumption, export, or import of such substance; and

(B) submit to the Director of the United States National Authority such reports as the United States National Authority may reasonably require to provide to the Organization, pursuant to subparagraph 1(a) of the Annex on Confidentiality of the Convention, the minimum amount of information and data necessary for the timely and efficient conduct by the Organization of its responsibilities under the Convention.

(2) RULEMAKING.—The Director of the United States National Authority shall ensure that regulations pursuant to this section are prescribed expeditiously.

(b) COORDINATION.—

(1) AVOIDANCE OF DUPLICATION.—To the extent feasible, the United States Government shall not require the submission of any report that is unnecessary or duplicative of any report required by or under any other law. The head of each Federal agency shall coordinate the actions of that agency with the heads of the other Federal agencies in order to avoid the imposition of duplicative reporting requirements under this title or any other law.

(2) DEFINITION.—As used in paragraph (1), the term "Federal agency" has the meaning given the term "agency" in section 551(1) of title 5, United States Code.

SEC. 252. PROHIBITION RELATING TO LOW CONCENTRATIONS OF SCHEDULE 2 AND 3 CHEMICALS.

(a) PROHIBITION.—Notwithstanding any other provision of this title, no person located in the United States shall be required to report on, or to submit to, any routine inspection conducted for the purpose of verifying the production, possession, consumption, exportation, importation, or proposed production, possession, consumption, exportation, or importation of any substance that contains less than—

(1) 10 percent concentration of a Schedule 2 chemical; or

(2) 80 percent concentration of a Schedule 3 chemical.

(b) STANDARD FOR MEASUREMENT OF CONCENTRATION.—The percent concentration of a chemical in a substance shall be measured on the basis of volume or total weight, which measurement yields the lesser percent.

SEC. 253. PROHIBITION RELATING TO UNSCHEDULED DISCRETE ORGANIC CHEMICALS AND COINCIDENTAL BYPRODUCTS IN WASTE STREAMS.

(a) PROHIBITION.—Notwithstanding any other provision of this title, no person located in the United States shall be required to report on, or to submit to, any routine inspection conducted for the purpose of verifying the production, possession, consumption, exportation, importation, or proposed production, possession, consumption, exportation, or importation of any substance that is—

(1) an unscheduled discrete organic chemical; and

(2) a coincidental byproduct of a manufacturing or production process that is not isolated or captured for use or sale during the process and is routed to, or escapes, from the waste stream of a stack, incinerator, or wastewater treatment system or any other waste stream.

SEC. 254. CONFIDENTIALITY OF INFORMATION.

(a) FREEDOM OF INFORMATION ACT EXEMPTION FOR CERTAIN CONVENTION INFORMATION.—Except as provided in subsection (b) or (c), any confidential business information, as defined in section 213(g), reported to, or otherwise acquired by, the United States Government under this title or under the Convention shall not be disclosed under section 552(a) of title 5, United States Code.

(b) EXCEPTIONS.—

(1) INFORMATION FOR THE TECHNICAL SECRETARIAT.—Information shall be disclosed or otherwise provided to the Technical Secretariat or other states parties to the Chemical Weapons Convention in accordance with the Convention, in particular, the provisions of the Annex on the Protection of Confidential Information.

(2) INFORMATION FOR CONGRESS.—Information shall be made available to any committee or subcommittee of Congress with appropriate jurisdiction upon the written request of the chairman or ranking minority member of such committee or subcommittee, except that no such committee or subcommittee, and no member and no staff member of such committee or subcommittee, shall disclose such information or material except as otherwise required or authorized by law.

(3) INFORMATION FOR ENFORCEMENT ACTIONS.—Information shall be disclosed to other Federal agencies for enforcement of this title or any other law, and shall be disclosed or otherwise provided when relevant in any proceeding under this title or any other law, except that disclosure or provision in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding.

(c) INFORMATION DISCLOSED IN THE NATIONAL INTEREST.—

(1) AUTHORITY.—The United States Government shall disclose any information reported to, or otherwise required by the United States Government under this title or the Convention, including categories of such information, that it determines is in the national interest to disclose and may specify the form in which such information is to be disclosed.

(2) NOTICE OF DISCLOSURE.—

(A) REQUIREMENT.—If any Department or agency of the United States Government proposes pursuant to paragraph (1) to publish or disclose or otherwise provide information exempt from disclosure under subsection (a), the United States National Authority shall, unless contrary to national security or law enforcement needs, provide notice of intent to disclose the information—

(i) to the person that submitted such information; and

(ii) in the case of information about a person received from another source, to the person to whom that information pertains.

The information may not be disclosed until the expiration of 30 days after notice under this paragraph has been provided.

(B) PROCEEDINGS ON OBJECTIONS.—In the event that the person to which the information pertains objects to the disclosure, the agency shall promptly review the grounds for each objection of the person and shall afford the objecting person a hearing for the purpose of presenting the objections to the disclosure. Not later than 10 days before the scheduled or rescheduled date for the disclosure, the United States National Authority shall notify such person regarding whether such disclosure will occur notwithstanding the objections.

(d) CRIMINAL PENALTY FOR WRONGFUL DISCLOSURE.—Any officer or employee of the United States, and any former officer or employee of the United States, who by reason of such employment or official position has obtained possession of, or has access to, information the disclosure or other provision of which is prohibited by subsection (a), and who, knowing that disclosure or provision of such information is prohibited by such subsection, willfully discloses or otherwise provides the information in any manner to any person (including any person located outside the territory of the United States) not authorized to receive it, shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both.

(e) CRIMINAL FORFEITURE.—The property of any person who violates subsection (d) shall be subject to forfeiture to the United States in the same manner and to the same extent as is provided in section 229C of title 18, United States Code, as added by this title.

(f) INTERNATIONAL INSPECTORS.—The provisions of this section shall also apply to employees of the Technical Secretariat.

SEC. 255. RECORDKEEPING VIOLATIONS.

It shall be unlawful for any person willfully to fail or refuse—

(1) to establish or maintain any record required by this title or any regulation prescribed under this title;

(2) to submit any report, notice, or other information to the United States Government in accordance with this title or any regulation prescribed under this title; or

(3) to permit access to or copying of any record that is exempt from disclosure under this title or any regulation prescribed under this title.

Subtitle E—Enforcement

SEC. 261. PENALTIES.

(a) CIVIL.—

(1) PENALTY AMOUNTS.—

(A) PROHIBITED ACTS RELATING TO INSPECTIONS.—Any person that is determined, in accordance with paragraph (2), to have violated section 236 of this Act shall be required by order to pay a civil penalty in an amount not to exceed $25,000 for each such violation. For purposes of this paragraph, each day such a violation of section 306 continues shall constitute a separate violation of that section.

(B) RECORDKEEPING VIOLATIONS.—Any person that is determined, in accordance with paragraph (2), to have violated section 255 of this Act shall be required by order to pay a civil penalty in an amount not to exceed $5,000 for each such violation.

(2) HEARING.—

(A) IN GENERAL.—Before imposing an order described in paragraph (1) against a person under this subsection for a violation of section 236 or 255, the Secretary of State shall provide the person or entity with notice and, upon request made within 15 days of the date of the notice, a hearing respecting the violation.

(B) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. If no hearing is so requested, the Secretary of State's imposition of the order shall constitute a final and unappealable order.

(C) ISSUANCE OF ORDERS.—If the administrative law judge determines, upon the preponderance of the evidence received, that a person or entity named in the complaint has violated section 236 or 255, the administrative law judge shall state his findings of fact and issue and cause to be served on such person or entity an order described in paragraph (1).

(D) FACTORS FOR DETERMINATION OF PENALTY AMOUNTS.—In determining the amount of any civil penalty, the administrative law judge shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, the ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.

(3) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative law judge shall become the final agency decision and order of the head of the United States National Authority unless, within 30 days, the head of the United States National Authority modifies or vacates the decision and order, with or without conditions, in which case the decision and order of the head of the United States National Authority shall become a final order under this subsection.

(4) OFFSETS.—The amount of the civil penalty under a final order of the United States National Authority may be deducted from any sums owed by the United States to the person.

(5) JUDICIAL REVIEW.—A person adversely affected by a final order respecting an assessment may, within 30 days after the date the final order is issued, file a petition in the Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business.

(6) ENFORCEMENT OF ORDERS.—If a person fails to comply with a final order issued under this subsection against the person or entity—

(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with paragraph (5), or

(B) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the United States National Authority,

the Secretary of State shall file a suit to seek compliance with the order in any appropriate district court of the United States, plus interest at currently prevailing rates calculated from the date of expiration of the 30-day period referred to in paragraph (5) or the date of such final judgment, as the case may be. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

(b) CRIMINAL.—Any person who knowingly violates any provision of section 236 or 255 of this Act, shall, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than one year, or both.

SEC. 262. SPECIFIC ENFORCEMENT.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over civil actions to—

(1) restrain any violation of section 236 or 255 of this Act; and

(2) compel the taking of any action required by or under this title or the Convention.

(b) CIVIL ACTIONS.—

(1) IN GENERAL.—A civil action described in subsection (a) may be brought—

(A) in the case of a civil action described in subsection (a)(1), in the United States district court for the judicial district in which any act, omission, or transaction constituting a violation of section 236 or 255 occurred or in which the defendant is found or transacts business; or

(B) in the case of a civil action described in subsection (a)(2), in the United States district court for the judicial district in which the defendant is found or transacts business.

(2) SERVICE OF PROCESS.—In any such civil action process may be served on a defendant wherever the defendant may reside or may be found, whether the defendant resides or may be found within the United States or elsewhere.

SEC. 263. EXPEDITED JUDICIAL REVIEW.

(a) CIVIL ACTION.—Any person or entity subject to a search under this title may file a civil action challenging the constitutionality of any provision of this title. Notwithstanding any other provision of law, during the full calendar year of, and the two full calendar years following, the enactment of this Act, the district court shall accord such a case a priority in its disposition ahead of all other civil actions except for actions challenging the legality and conditions of confinement.

(b) EN BANC REVIEW.—Notwithstanding any other provision of law, during the full calendar year of, and the two full calendar years following, the enactment of this Act, any appeal from a final order entered by a district court in an action brought under subsection (a) shall be heard promptly by the full Court of Appeals sitting en banc.

Subtitle F—Miscellaneous Provisions

SEC. 271. REPEAL.

Section 808 of the Department of Defense Appropriation Authorization Act, 1978 (50 U.S.C. 1520; relating to the use of human subjects for the testing of chemical or biological agents) is repealed.

SEC. 272. PROHIBITION.

(a) IN GENERAL.—Neither the Secretary of Defense nor any other officer or employee of the United States may, directly or by contract—

(1) conduct any test or experiment involving the use of any chemical or biological agent on a civilian population; or

(2) use human subjects for the testing of chemical or biological agents.

(b) CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit actions carried out for purposes not prohibited by this title (as defined in section 203(8)).

(c) BIOLOGICAL AGENT DEFINED.—In this section, the term "biological agent" means any micro-organism (including bacteria, viruses, fungi, rickettsiae or protozoa), pathogen, or infectious substance, or any naturally occurring, bio-engineered or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, capable of causing—

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or materials of any kind; or

(3) deleterious alteration of the environment.

SEC. 273. BANKRUPTCY ACTIONS.

Section 362(b) of title 11, United States Code, is amended—

(1) by striking paragraphs (4) and (5); and

(2) by inserting after paragraph (3) the following:

"(4) under paragraph (1), (2), (3), or (6) of subsection (a) of this section, of the commencement or continuation of an action or proceeding by a governmental unit or any organization exercising authority under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993, to enforce such governmental unit's or organization's police and regulatory power, including the enforcement of a judgment other than a money judgment, obtained in an action or proceeding by the governmental unit to enforce such governmental unit's or organization's police or regulatory power;".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Iran Missile Proliferation Sanctions Act of 1997 is intended to close loopholes in our counterproliferation laws in order to address a matter of critical concern to our national security, the risk that Iran may soon obtain from firms in Russia and elsewhere the capability of producing its own medium and long-range ballistic missiles.

This legislation enjoys extremely strong support on both sides of the aisle. At last count, over 263 Members had asked to be listed as cosponsors, including both the Speaker, Mr. GINGRICH, and the Democratic leader, Mr. GEPHARDT]. A companion measure in the Senate has 84 cosponsors, led by the Senate majority leader, Mr. LOTT, and by Mr. LIEBERMAN of Connecticut.

The urgency for this legislation is apparent from press reports. For more than a year, our Government has been in constant dialog with the Russian leadership regarding Russian assistance to the Iranian ballistic missile program. The meetings have been going on, more talks are scheduled, more summits are held, yet the Iranian military continues to make rapid progress in developing long-range missiles with critically needed assistance from Russian firms. Unless something happens soon, according to press reports, Iran is likely to achieve the ability to produce its own ballistic missiles within less than 1 year.

It is now time for the Congress to say that enough is enough. We need to back up our rhetoric on nonproliferation with meaningful action. With this legislation, we will be giving Russian firms compelling reasons not to trade with Iran. The sanctions which this legislation threatens to impose will force those firms to choose between their short-term profits from dealing with Iran and potentially far more lucrative long-term economic relations with our own Nation.

To make certain that the President takes a careful look at this legislation, the amendment before us also adds to our Iranian sanctions measure the text of Senate 610, the Chemical Weapons Convention Implementation Act of 1997, which passed the Senate unanimously earlier this year. Unlike the Chemical Weapons Convention itself, which was controversial in the Senate, the implementing legislation is strongly supported all across the political spectrum, from the administration to Senators such as JOHN KYL and JESSE HELMS who have led the fight against the Chemical Weapons Convention.

Mr. Speaker, in the 1980's the world stood by as Saddam Hussein built up the Iraqi arsenal of weapons of mass destruction. This bill will help make certain that Iran does not follow the example of its neighbors in Iraq and become the next threat to international stability. Accordingly, I urge my colleagues to join in support of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this bill, and I oppose it for 3 reasons:

First, the bill links a missile sanctions bill to the Senate-passed Chemical Weapons Convention implementation legislation. The House should consider these bills separately so that S. 610 can proceed quickly to enactment.

Second, this missile sanctions bill is harmful to current United States diplomatic efforts to stop missile technology transfers from Russia to Iran.

And, third, the bill itself is flawed.

Let me spell out these reasons in more detail.

With regard to the first point, the missile sanctions bill and the Chemical Weapons Convention implementation legislation are separate and distinct pieces of legislation. They deserve separate consideration.

Today the United States is out of compliance with its obligations to the Chemical Weapons Convention and will continue to be out of compliance until this implementation legislation, S. 610, is enacted.

We should act on S. 610 as soon as possible. We should send it directly to the President as a freestanding measure and not attach it to another measure and send it back to the Senate.

The sponsors of the missile sanctions bill, H.R. 2709, have attached S. 610 to it because they believe that S. 610 will lead to the swift enactment of the sanctions bill.

The President's National Security Adviser and the Secretary of State strongly oppose the missile sanctions bill. They recommend that he veto it if it is presented to the President in its current form. They also recommend a veto if S. 610 is attached. I quote from the Statement of Administration Policy:

> S. 610 has strong bipartisan support from Members on both sides of the aisle. If S. 610 is attached to H.R. 2709, however, the Secretary of State and the National Security Adviser would have no choice other than to recommend that the President veto the combined bill.

So for those of you who support swift passage of the Chemical Weapons Convention implementation legislation, I urge you to oppose this bill. This bill will delay, not speed up, U.S. compliance with the Chemical Weapons Convention.

Second, I believe that Congress and the executive branch certainly share the same policy goal, to stop the transfer of missile technology to Iran. The question before us is the most effective way to achieve that shared goal.

The gentlewoman from California [Ms. HARMAN] and others deserve credit for their efforts to focus attention on the important issue of missile technology transfers to Iran. I think they have got the right approach, which is to express the strong sense of Congress on the issue. But I do not agree with the approach taken in this bill.

Stopping the transfer of missile technology to Iran requires diplomacy. It requires the President to pursue a high-level diplomatic effort with those countries that provide missile technology to Iran. At the end of the day, this problem is going to be solved by diplomacy.

This is exactly what the administration is doing. The President's envoy, Ambassador Wisner, is conducting negotiations with Russia on this topic. He was in Moscow last week. The administration is working as hard as it can, from the President to the Vice President on down, to stop Russian missile technology transfers to Iran. They believe, the administration, that they are starting to make progress, and they believe they can show a lot more progress between now and January. Senior Russian officials have already indicated that Iranian missiles are not in their interest. Our diplomacy is beginning to achieve results, but we do not yet have a satisfactory result.

□ 2100

That is the view of the Secretary of State, the National Security Advisor, and the Vice President. The Vice President has made a strong plea for a little more time to show results, and we should give it to him. If there is no progress, we can come back to this bill in January.

Third and finally, this missile sanctions bill has several flaws. It establishes too low a threshold for the imposition of sanctions. It would require the executive to report and impose sanctions based on credible information it receives about transfers or attempted transfers of missile-related goods and technology to Iran.

"Credible information" is not defined in the bill and is subject to very broad interpretation. One report or one phone call could be "credible information" and could trigger a requirement to report and to impose sanctions.

The bill does not allow enough time between the requirement to report and the requirement to sanction. Sanctions would have to be imposed no later than 30 days after the date of the required resort. In many cases, sanctions can be imposed erroneously, needlessly damaging U.S. credibility with other governments in our efforts to prevent Iran from obtaining missile technology.

The bill has no requirement that actions subject to sanctions be taken knowingly. Sanctions would be imposed on entities unaware that items are going to Iran or will be used in missiles. Such a provision is fundamentally unfair and will undermine U.S. credibility and the willingness of foreign entities to cooperate with the United States.

The bill's waiver provisions, while a step forward, could be improved further. It lacks flexibility for the President. The bill is retroactive in its application. The bill applies sanctions on U.S. subsidiaries of foreign firms that are sanctioned.

I do not believe Congress has a full understanding of the bill's impact if it is enacted into law. I believe further consultation with the executive branch is necessary. Further consultation would improve this bill so it will strengthen, not undermine, the President's ability to achieve the goals that all of us share to stop Iran's missile program.

So I believe the bill will negatively impact U.S. national interests. It is going to slow down our ability to get the President a bill that he will sign so that he can meet our treaty obligations under the Chemical Weapons Convention. It will be counterproductive to our efforts to stop the transfer of missiles technology to Iran. And as I have indicated, the Secretary and the National Security Advisor are going to recommend that the President veto this bill if it is sent to him in the form that we have it before the House this evening.

I urge a "no" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the Iran Missile Proliferation Act introduced by the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN].

As the gentleman from New York has noted, this legislation is intended to provide additional leverage for the United States in responding to assistance by Russian institutes and research facilities for Iran's medium and long-range missile programs.

H.R. 2709 will close loopholes in existing U.S. sanction laws as these loopholes have been used in the past to avoid sanctioning firms that have transferred missile goods or technology to Iran. It does not target an entire government but, rather, the individuals and entities which are actually the perpetrators of proliferation activities.

The President would be required to submit a report identifying those individuals and entities where there is credible evidence that they have transferred key missile components of technology to Iran. Thirty days after this report, a number of important sanctions denying munition licenses, dual-use technology licenses, and U.S. foreign assistance to these entities, those kind of things will be imposed for a period of at least 2 years on the identified entities.

Mr. Speaker, our distinguished colleague from Indiana [Mr. HAMILTON] has given quite a list of things that he finds objectionable from the existing legislation. Whether it is this legislation or other legislation, I think it is imperative that this House and the Congress speak out very strongly that we want the kind of proliferation being conducted by Russian entities to Iran to stop. We cannot sit back and be asked simply that the route towards diplomacy be pursued for the next several months. We are at a critical point, and this Congress has a responsibility to say we want action now, it is essential while we are putting much of the Middle East and much of Europe in jeopardy.

Mr. Speaker, the prevention of Iran's acquisition of ballistic missiles and weapons of mass destruction is one of this Nation's most important national security objectives. Iranian possession of ballistic missiles poses an unacceptable threat to the military forces of the United States and its allies throughout the Persian Gulf, Middle East, and southern and southeastern Europe. H.R. 2709 is an important tool to limit the proliferation of the Persian Gulf. I believe it would be irresponsible if we simply took no action, did not express ourself, did not try to pass legislation before we adjourn this year.

Frankly speaking, Mr. Speaker, this legislation would be unnecessary if the executive branch were willing to comply with existing law governing missile technology controls. This is not simply a criticism of this President or this administration, for previous Presidents have been equally reluctant to enforce the law when it comes to sanctions on these crucial matters.

When an administration, this one or a previous one, continually refuses to invoke the law, whether it is the Arms Control Export Act or the refusal to declare that a coup has occurred in Cambodia because the resulting sanctions would reduce the State Department's flexibility, a word we hear often, it demeans the law. It encourages this body to pursue every more stringent sanctions.

Mr. Speaker, this Member hopes that this body can get out of the business of imposing new sanctions, but this will not happen until the executive branch, this one, the previous ones, come into compliance with the law, respect the law as Congress enacts it. This Member therefore would urge the executive branch to adhere to the provisions of H.R. 2709 which I hope this Congress will enact.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I ask the gentleman from Nebraska [Mr. BEREUTER], who is controlling time for the majority, if he would yield an additional 3 minutes to me.

Mr. BEREUTER. Mr. Speaker, I yield an additional 3 minutes to the gentleman from California [Mr. BERMAN].

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from California [Mr. BERMAN] is recognized for 6 minutes.

Mr. BERMAN. Mr. Speaker, while I agree with a number of the points made by my dear friend and the ranking member of the Committee on International Relations, I come to a different conclusion on the issue of House passage of this bill, and I rise in support of the passage of H.R. 2930. I think it pays to take a couple of moments to just restate sort of what we know about contributions to the Iranian missile program.

First of all, we know it has been clearly reported, it is not in dispute, that Iran has developed, has a nuclear weapons program. It is also quite clear that Iran has also embarked on a program to develop medium and long-range missiles. The Iranian missile program has been contributed to recently by a number of transfers of technology in parts from the Russian SS-4 intermediate range ballistic missile, and apparently Iran Shihab-3 and

Shihab-4 missiles are being designed with Russian assistance to expand to a range of 930 to 1,250 miles. There have been additional reports that Iran is working toward developing a multistage intercontinental missile with a range of 3,500 missiles.

When we take their nuclear program and their missile program together, I think everyone in this Chamber can understand just how dangerous this can be if Iran is successful in its pursuits in these areas.

The more sophisticated weapon assistance that Iran receives from abroad, the quicker Iran will realize its goal of a long-range weapon delivery system.

Robert Pelletreau, who was then Assistant Secretary of State for Near Eastern Affairs, testified, only by imposing a real and heavy price can we and other countries convince the Iranian leadership that changing its threatening behavior is in Iran's own interest. That threatening behavior continues, and this legislation is another effort to convince other countries that a real and heavy price must be paid for aiding Iran's weapons program.

I would just like to deal with a couple of the points raised by the gentleman from Indiana [Mr. HAMILTON], the ranking member of the full committee. There are some flaws in this legislation, but I think he would agree, the legislation is significantly improved from the form in which it was introduced. The kind of conduct that it has focused on deals now with violations of the Missile Technology Control Regime and other efforts that are governed by that regime that the administration, and only the administration, certify constitutes significant contributions to the Iranian missile program.

The report that is required by this legislation can now be classified at the discretion of the administration, and it is clear from the report language accompanying this bill that the national security waiver, which has been put into this bill, may be utilized where an entity in any country, and specifically in Russia, has made an improper and illegal transfer.

Remember, Russia has committed to adhering to the Missile Technology Control Regime, but when they make such a transfer, if the administration is assured that they will no longer do so and believes that it is important that those sanctions be waived, they are able to use the national security waiver to do that.

So that even with some of the other flaws, particularly the credible information threshold, which is too low a threshold, I think this legislation is worthy of our support, because it is a forcing mechanism and it is a statement by the House of Representatives that this is a critical problem, that our relationships with Russia and its ability to control the entities within that country that are contributing to this program are going to be seriously affected by its future conduct.

There is no doubt that this administration now is heavily engaged in this issue. They are pressing the Russians hard to cut off that aid. President Clinton, Vice President Gore, and Ambassador Wisner have raised our concern with the Russian leadership, although there is some evidence that assistance continues to flow.

I believe the administration should view the House passage of this legislation as aiding and assisting their efforts to persuade the Russians to cut off all aid to the Iranian missile program and to enforce export controls which will ensure no additional aid leaks out.

I wish that the majority had not combined this bill with the Chemical Weapons Convention Implementation Act of 1997. My fear is that the result of combining these two important pieces of legislation will mean that when this bill gets over in the Senate, neither one will pass. That decision to combine has been made. Both bills are important.

I might point out, by the way, that both Russia and Iran have now ratified the Chemical Weapons Convention, so that passage of the implementing legislation is quite important on its own. My only hope is that if the Senate chooses, for whatever reason, to sever the two bills and send the chemical weapons implementation legislation back to us tomorrow and before we adjourn for the year, that we will take that legislation up separately. But both bills are important, and the decision has been made to combine them, and I would urge my colleagues to support its passage.

Mr. BEREUTER. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Pennsylvania [Mr. FOX], a member of the committee.

Mr. FOX of Pennsylvania. Mr. Speaker, we in the House are persuaded that missile transfers from Russia to Iran pose a great threat to the United States and to our allies in the Middle East and Europe. We are especially troubled by reports we received to the effect that Iran is only 9 to 12 months away from achieving an indigenous missile capacity.

We welcome the efforts undertaken with Russia to resolve this problem, but we cannot ignore the reports that we received that since Ambassador Wisner went to work on this problem, the pace of Russian transfers to Iran has increased rather than decreased. At this stage, we therefore feel compelled to act on this matter.

Our legislation is based on a slightly different philosophy than the administration's diplomatic efforts. We are not seeking to coerce the Russian Government to do anything. Rather, we target our sanctions on the Russian entities that are making missile transfers to Iran. Most of these entities are interested in future business dealings with the United States, particularly in the area of aerospace cooperation. The point of our legislation is to tell these entities in no uncertain terms that continued dealings with Iran will be fatal to any future cooperation with the United States.

□ 2115

Our legislation has 263 cosponsors in the House, including its main sponsor, the gentleman from New York, Chairman GILMAN, the Speaker of the House, the Democratic leader; and the companion bill in the Senate has similarly strong support.

The statement of administration policy that has been quoted on the House floor is dated November 7, 1997. H.R. 2709 has been modified since the statement of administration policy was originally written. One of the modifications in the bill was specifically made to address the administration's concerns.

Section 2 of the bill requires the administration to submit a report which identifies those foreign companies where there is credible evidence that they have transferred or retransferred goods or technology or provided technical assistance to Iran's efforts to acquire, develop or produce ballistic missiles.

The bill report from the committee required this administration submit this report in unclassified form. That section now has been modified to allow the report to be classified. The committee is persuaded that such a change will assist the administration's efforts to halt the transfer of missile technology to Iran. We urge the administration to consider this bill modification as it reviews its position on the bill.

I am not surprised the administration does not support the bill. Why? Because the bill does not give the administration the usual loopholes to avoid sanctioning foreign countries that assist Iran.

The administration's statement of policy states that the standard of evidence sanctions and reporting requirements of H.R. 2709 are broad and vague. Nothing could be further from the truth. The committee report details what we mean by the term "credible information." The report details the three sanctions to be imposed, and the report details sanctions required in the bill. These requirements are neither broad nor vague.

Simply put, Mr. Speaker, the administration does not like this bill because they know they cannot ignore it, they cannot shove it under the table, and the sanctions must go forward, if appropriate.

I would therefore urge our colleagues to support H.R. 2709, the Iran Missile Proliferation Sanctions Act of 1997.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank the ranking member for yielding me this time.

Mr. Speaker, I rise in support of H.R. 2709, the Iran Missile Proliferation Sanctions Act of 1997. Iran is the leading sponsor of international terrorism. That is a conclusion that has been reached by our President, by our Secretary of State and by the Director of the CIA. The evidence is also clear that Russian entities are aiding the Iranian Government in its efforts to acquire and develop ballistic missiles. Thus, this legislation is needed.

This legislation appropriately imposes sanctions on foreign persons who transfer key missile components or technology to Iran. I understand the concerns that have been expressed by the ranking member, but I think it is important that this House move this legislation forward, and I urge my colleagues to support H.R. 2709.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, although this bill deals primarily with missiles, I would like this body to consider, China just bought 200 SU–27s from Russia, better than our F–14s and F 15s, along with AA–12. China has sold nuclear components and chemical and biological weapons to Iran, Iraq, and Pakistan.

China and Russia are not our friends, and I think it is time that we need to realize that. Yes, we need to engage. I do not think there will be peace in my lifetime in the Middle East, and we need to engage both of those parties, but they are still very, very dangerous.

In Bosnia, there are over 10,000 mujahedin and Hamas surrounding Izetbegovic's government. Yet we in the United States continue to arm the Muslims in that portion of the world, when the balance has gone over.

I would rise in support of this. The Cold War is over, but it is a very, very hostile world, and especially if you look at Russia today is building a first nuclear strike site. Russia today is building under the Ural Mountains a first-strike nuclear weapons site larger than inside the Beltway. That is huge. Why?

Yet we need to arm the President, the White House, and this body, along with the other body, needs to hold firm. While we downgrade our own military, this is a first step in holding the line on proliferation for other countries.

Why downgrade our own military, and let other nations build theirs up, which are not only a threat to us? If you look in Bosnia, that is a threat to Greece, it is a threat to Europe, especially with the mujahedin and Hamas. Yes, we are going to look at some of those same missiles ourselves.

So I laud the gentleman in this bill and rise in support.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank my distinguished colleague, the gentleman from Indiana, for yielding me time.

Mr. Speaker, I rise in strong support of H.R. 2709, and I must tell you that I have heretofore resisted any legislation which puts sanctions on Russia or any entities. But I think the time has come that the Congress really needs to take a tough stand.

It is no secret that Russia and Russian companies have been providing technology to Iran and missile goods to Iran. The one thing that strikes me is if you go to the Middle East and you speak with heads of governments of all of the countries, Israel and the Arab States may have many disagreements, but the one thing on which they all agree is that Iran is the threat to the region. You will hear the same thing in Jerusalem, the capital of Israel, as you will hear in Cairo, the capital of Egypt, as you will hear in Riyadh, the capital of Saudi Arabia, and all the Persian Gulf countries. While at the moment we are focused on Iraq and the crisis there with Iraq, the governments will all say the long-range threat comes from Iran.

When we look to see which countries are assisting Iran in developing this technology, we look to China, and the President has had an agreement with the Chinese leadership to stop any kind of transfer of technology to Iran. We look to North Korea, they have done it; and, of course, Russia.

I think that it is very, very important that the Russian Government and the Russian companies understand that our patience has worn thin; that because Iran is not only a threat to the region, but indeed a threat to the world, supporting terrorism, we do not feel that we can simply let the status quo continue.

Iran has the capability and will have the capability in a few months to be able to strike out and hit all the countries that I mentioned if it goes unchecked. Now, it is clear that Russia has already provided Iran with critical know-how and technological support. The question facing us now is whether we can halt any further assistance, and time is short. As I mentioned, we have but a few months to prevent Iran from achieving a significant advance in its missile program.

Most critical in the short term is the prospect of Iran enhancing its ballistic missile capacity. Iranian acquisition of ballistic missiles with a range of 1,300 kilometers or more poses an unacceptable threat to American forces in the Middle East, as well as our allies throughout the Persian Gulf region.

It is hard for me to believe that Russia's assistance to Iran does not violate Russia's international obligations as an adherent to the Missile Technology Control Regime, the MTCR. It is also inconceivable to me that such transfers would not trigger U.S. missile sanction laws.

I think it is time for this Congress to stand tall and to say to Russia and Russian companies that we are not going to permit this transfer, and H.R. 2709 goes a long way in that direction.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise in strong support of H.R. 2709. This bill would force the President to impose sanctions on entities that assist Iran's missile program, mostly Russian, perhaps some Chinese entities, perhaps some European entities as well.

Mr. Speaker, others have expressed well the dangers that Iranian missiles, perhaps armed eventually with nuclear warheads, pose to Israel, to some of our Arab quasi-allies, and to American security interests.

Russian help and Chinese help for this development is not a friendly act, and is the most profoundly irresponsible act, and the administration, for all its protestation, has shown a pattern of certifying when Congress passed this law that says, we do not want most-favored-nation treatment, we have seen that when we pass laws that say that this or that should not be done unless the President certifies that human rights are being adhered to or that nonproliferation is being adhered to, the certification comes whether the facts support them or not all too often. So I think it is time for Congress to step in and tighten the legal regime, as this bill does, to make it more clear that these sanctions must be imposed.

I also think that, given the sometimes unclear circumstances as to whether the Russian Government has effective control over these entities, that it is good that this legislation applies directly to these business entities, and not simply to the foreign governments.

So I support this legislation. I regret the necessity of it, but it is time to step in with this kind of legislation to reduce the likelihood that we will be faced with the kind of foreign policy catastrophe that will be presented by Iranian possession and threat of use of long-range missiles.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I think there is an unfortunate problem that has occurred on this bill that Members should be aware of. I was an original cosponsor of the original 2709, but the

bill before us is not that bill, because the bill before us also includes the chemical weapons convention implementing legislation.

Now, there is a real problem for this, and Members should know about that. If the President should decide to veto 2709, which there has been some talk of, he will also veto the chemical weapons convention legislation, the legislation that implements it.

For years we have been fighting for a chemical weapons convention. It would be a tragedy if tonight, by just a mistake, if people think they are only voting for 2709. They must know they are putting at jeopardy the chemical weapons convention implementing legislation.

I would urge Members to vote against 2709, even though, as I say, I was a cosponsor, in order to protect that chemical weapons convention. A no vote will protect the chemical weapons convention.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a bipartisan coalition of Members of this House, a strong one, want to have action on the chemical weapons convention. We also want to see the implementation of it. We also want to see action on the Iran missile proliferation issue.

We understand the larger picture with respect to Russia. We understand the administration's position on that. We understand the importance the administration understandably places on a Russian-American joint space exploration program.

We have listened to the distinguished Vice President of the United States. We have listened to the highest officials in the Clinton administration. We have heard their arguments on this issue.

□ 2130

But collectively, a large majority of people on both sides of the aisle in this House, and indeed in the other body, believe that we have waited long enough to see the imposition of effective sanctions brought to bear upon the Russian entities that seem to be providing missile technology to Iran. We are unwilling to bear the risk of further delays in implementing sanctions. We are sending a very, very clear message to the government of Russia that we want entities in Russia to stop providing this kind of cooperation to the government of Iran.

Mr. Speaker, because it places in jeopardy very large parts of the Persian Gulf, our allies in the Middle East, and major parts of Europe, we want to have action on this issue. We see the only way to have a likelihood that the President will sign the legislation is attaching it to the implementation legislation for the Chemical Weapons Convention. Alternatively, we can see the Iranians developing the missile capacity that enables them to bring great explosive destruction or even weapons of mass destruction to bear on the Persian Gulf, on the Middle East and Europe. Therefore, we urge our colleagues to support H.R. 2709.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. CALVERT]. All time has expired.

The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 2709, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title of the bill was amended so as to read:

A bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

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

There was no objection.

BANKRUPTCY AMENDMENTS OF 1997

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 764) to make technical corrections to title 11, United States Code, and for other purposes, as amended.

The Clerk read as follows:

H.R. 764

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bankruptcy Amendments of 1997".

SEC. 2. DEFINITIONS.

Section 101 of title 11, United States Code, is amended—

(1) by striking "In this title—" and inserting "In this title:",

(2) in each paragraph by inserting "The term" after the paragraph designation,

(3) in paragraph (35)(B) by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)",

(4) in paragraphs (35A) and (38) by striking "; and" at the end and inserting a period,

(5) in paragraph (51B)—

(A) by inserting "who is not a family farmer" after "debtor" the first place it appears, and

(B) by striking "$4,000,000" and inserting "$15,000,000 as of the date of the filing of the petition",

(6) by amending paragraph (54) to read as follows:

"(54) The term 'transfer' means—

"(A) creation of a lien;

"(B) retention of title as a security interest;

"(C) foreclosure of the debtor's equity of redemption; or

"(D) every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property;",

(7) in paragraphs (1) through (35), in paragraphs (36) and (37), and in paragraphs (40) through (55), including paragraph (54) as added by this section, by striking the semicolon at the end and inserting a period, and

(8) by redesignating paragraphs (4) through (55), including paragraph (54) as added by this section, in entirely numerical sequence.

SEC. 3. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting "522(f)(3)," after "522(d)," each place it appears.

SEC. 4. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking "922" and all that follows through "or", and inserting "922, 1201, or".

SEC. 5. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(3) of title 11, United States Code, is amended by striking "attorney's" and inserting "attorneys' ".

SEC. 6. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting "on a fixed or percentage fee basis," after "hourly basis,".

SEC. 7. COMPENSATION TO OFFICERS.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (1) by inserting ", or the debtor's attorney" after "1103", and

(2) in paragraph (3) by striking "(3)(A) In" and inserting "(3) In".

SEC. 8. SPECIAL TAX PROVISIONS.

Section 346(g)(1)(C) of title 11, United States Code, is amended by striking ", except" and all that follows through "1986".

SEC. 9. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 10. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17) by striking "or" at the end,

(2) in paragraph (18) by striking the period at the end and inserting "; or", and

(3) by adding at the end the following:

"(19) under subsection (a) of this section, of any transfer that is not avoidable under section 544 and not avoidable under section 549.".

SEC. 11. DEFAULTS BASED ON NONMONETARY OBLIGATIONS.

(a) EXECUTORY CONTRACTS AND UNEXPIRED LEASES.—Section 365 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A) by striking the semicolon at the end and inserting the following:

"other than a default that is a breach of a provision relating to—

"(i) the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an unexpired lease of real property, if it is impossible for

the trustee to cure such default by performing nonmonetary acts at and after the time of assumption; or

"(ii) the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an executory contract, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption and if the court determines, based on the equities of the case, that this subparagraph should not apply with respect to such default;", and

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

"(D) the satisfaction of any penalty rate or penalty provision relating to a default arising from a failure to perform nonmonetary obligations under an executory contract or under an unexpired lease of real or personal property.",

(2) in subsection (c)—

(A) in paragraph (2) by adding "or" at the end,

(B) in paragraph (3) by striking "; or" at the end and inserting a period, and

(C) by striking paragraph (4),

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9), and

(B) by redesignating paragraph (10) as paragraph (5).

(4) in subsection (f)(1) by striking "; except that" and all that follows through the end of the paragraph and inserting a period.

(b) IMPAIRMENT OF CLAIMS OR INTERESTS.—Section 1124(2) of title 11, United States Code, is amended—

(1) in subparagraph (A) by inserting "or of a kind that section 365(b)(1)(A) of this title expressly does not require to be cured" before the semicolon at the end,

(2) in subparagraph (C) by striking "and" at the end,

(3) by redesignating subparagraph (D) as subparagraph (E), and

(4) by inserting after subparagraph (C) the following:

"(D) if such claim or such interest arises from any failure to perform a nonmonetary obligation, compensates the holder of such claim or such interest (other than the debtor or an insider) for any actual pecuniary loss incurred by such holder as a result of such failure; and".

SEC. 12. AMENDMENT TO TABLE OF SECTIONS.

The table of sections for chapter 5 of title 11, United States Code, is amended by striking the item relating to section 556 and inserting the following:

"556. Contractual right to liquidate a commodities contract or forward contract.".

SEC. 13. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (3)".

SEC. 14. PRIORITIES.

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (3)(B) by striking the semicolon at the end and inserting a period, and

(2) in paragraph (7) by inserting "unsecured" after "allowed".

SEC. 15. EXEMPTIONS.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (f)(1)(A)(ii)(II)—

(A) by striking "includes a liability designated as" and inserting "is for a liability that is designated as, and is actually in the nature of,", and

(B) by striking ", unless" and all that follows through "support.", and

(2) in subsection (g)(2) by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

SEC. 16. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(3) by striking "or (6)" each place it appears and inserting "(6), or (15)",

(2) as amended by section 304(e) of Public Law 103–394 (108 Stat. 4133), in paragraph (15) by transferring such paragraph so as to insert it after paragraph (14) of subsection (a),

(3) in paragraph (9) by inserting ", watercraft, or aircraft" after "motor vehicle",

(4) in subsection (a)(15), as so redesignated by operation of paragraph (2), by inserting "to a spouse, former spouse, or child of the debtor and" after "(15)",

(5) in subsection (a)(17)—

(A) by striking "by a court" and inserting "on a prisoner by any court",

(B) by striking "section 1915 (b) or (f)" and inserting "subsection (b) or (f)(2) of section 1915", and

(C) by inserting "(or a similar non-Federal law)" after "title 28" each place it appears, and

(6) in subsection (e) by striking "a insured" and inserting "an insured".

SEC. 17. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking "section 523" and all that follows through "or that", and inserting "section 523, 1228(a)(1), or 1328(a)(1) of this title, or that".

SEC. 18. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1) by inserting "student" before "grant" the second place it appears, and

(2) in paragraph (2) by striking "the program operated under part B, D, or E of" and inserting "any program operated under".

SEC. 19. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code is amended by inserting "365 or" before "542".

SEC. 20. LIMITATIONS ON AVOIDING POWERS.

Section 546 of title 11, United States Code, is amended by redesignating the second subsection (g) as subsection (h).

SEC. 21. PREFERENCES.

Section 547 of title 11, United States Code, is amended—

(1) in subsection (b) by striking "subsection (c)" and inserting "subsections (c) and (h)", and

(2) by adding at the end the following:

"(h) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, then such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.".

SEC. 22. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting "an interest in" after "transfer of",

(2) by striking "such property" and inserting "such real property", and

(3) by striking "the interest" and inserting "such interest".

SEC. 23. SETOFF.

Section 553(b)(1) of title 11, United States Code, is amended by striking "362(b)(14)" and inserting "362(b)(17)".

SEC. 24. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking "1009,".

SEC. 25. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, is amended by inserting "1123(d)," after "1123(b),".

SEC. 26. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)", and

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

"(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election. Upon the filing of a report under the preceding sentence—

"(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section, and

"(ii) the service of any trustee appointed under subsection (d) shall terminate.

"(B) In the case of any dispute arising out of an election under subparagraph (A), the court shall resolve the dispute.".

SEC. 27. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 28. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 29. DISCHARGE.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. 30. CONTENTS OF PLAN.

Section 1322 of title 11, United States Code, is amended—

(1) in subsection (b) by striking "(c)" and inserting "(d)", and

(2) in subsection (e) by striking "default, shall" and inserting "default shall".

SEC. 31. DISCHARGE.

Paragraphs (1), (2), and (3) of section 1328(a) of title 11, United States Code, are amended to read as follows:

"(1) provided for under section 1322(b)(5) of this title;

"(2) of the kind specified in paragraph (5), (8), or (9) of section 523(a) of this title; or

"(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime.".

SEC. 32. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking "made under this subsection" and inserting "made under subsection (c)", and

(2) by striking "This subsection" and inserting "Subsection (c) and this subsection".

SEC. 33. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "(1) the term" before "'bankruptcy", and

(B) by striking the period at the end and inserting "; and", and

(2) in the second undesignated paragraph—

(A) by inserting "(2) the term" before "'document", and

(B) by striking "this title" and inserting "title 11".

SEC. 34. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only

with respect to cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Michigan [Mr. CONYERS] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

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

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

The current bill, H.R. 764, the Bankruptcy Amendments of 1997, consists primarily of technical corrections which are intended to clarify original intent, correct drafting defects, and improve grammar and cross-references in the Bankruptcy Code. Many of these changes are occasioned by minor problems with the language in the Bankruptcy Reform Act of 1994, and will not change the results in future cases.

There are also several more substantive provisions, limited in scope, designed to rectify shortcomings in current law. They are fully discussed in the committee report, and I will only briefly describe four provisions here.

By amendment to section 101(51B) of the Bankruptcy Code, renumbered section 101(57), the present $4 million cap on single asset real estate is raised to $15 million. This will enable creditors in more cases to obtain expedited relief from the automatic stay's bar to foreclosure. This is provided for under section 362(d)(3) of the Bankruptcy Code.

Section 101(54) of the Bankruptcy Code, renumbered section 101(66), is amended to define "transfer" as including the "creation of a lien," which is in accord with a widely held understanding. This will protect a purchase money lender, who has recorded a deed of trust without knowledge of a bankruptcy filing, from the trustee's power to avoid certain post-petition property transfers.

And, section 365(b) of the Bankruptcy Code is amended to give recognition to different policy considerations that are implicated, when there are incurable nonmonetary defaults, in the trustee's power to assume executory contracts and unexpired leases of the debtor.

The Code is amended in section 523(a)(9) to provide, as is now the case with motor vehicles, that any debt for death or personal injury arising from a debtor's unlawful operation of a watercraft or aircraft while intoxicated is nondischargeable in bankruptcy.

Mr. Speaker, it has been necessary to proceed with a manager's amendment to the bill as reported from the Committee on the Judiciary, primarily in order to further clarify the amendment to section 365(b). This has been agreed to by both sides. The manager's amendment substitutes new language for section 11 of the bill as reported. The other 33 sections of the bill remain unchanged.

Section 11(a) modifies the language of section 11, as reported, to clarify that when a trustee or debtor-in-possession is excused from curing a nonmonetary default under a real estate lease or executory contract as a condition to the assumption of the contract or lease, the creditor remains entitled to compensation for actual pecuniary loss resulting from the default and to adequate assurance of future performance.

Section 11(b) amends section 1124(2) of the Bankruptcy Code to modify a cross-reference to reflect the clarification made by section 11(a), and to provide that the creditor remains entitled to compensation for actual pecuniary loss resulting from the default for purposes of determining when the creditor's claim or interest arising from the default is not impaired.

Does the Speaker understand fully what I have just described here in the last 5 minutes? If not, Mr. Speaker, I urge the House to pass H.R. 764, the Bankruptcy Amendments of 1997.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the subcommittee Chairman, the gentleman from Pennsylvania [Mr. GEKAS], and the ranking member, the gentleman from New York [Mr. NADLER], for working on this measure that was introduced by myself, and the gentleman from Illinois [Mr. HYDE], on the first day of the session, and they have been at it for quite a while.

The long and short of the bankruptcy laws are that there are about 29 technical corrections and about 5 substantive corrections. The gentleman from Pennsylvania [Mr. GEKAS] has mentioned 4 of the 5, and I am in perfect agreement with him.

We are now hopeful that the Senate will be able to meet with us as early as they can in the year and that we can work this to a favorable resolution, because there are more and more bankruptcy issues coming forward in the next year, the last term of this Congress.

Now, I would like to raise to the Members' attention the fact that our colleague from Michigan [Mr. EHLERS] did us a singular honor by tracking a fifth circuit case that required amending, in which one distinguished judge was not able to distinguish that motor boats and airplanes are in the same category as automobiles, and we talk about nondischargeability, and he weighed in in a very important way to bring about the changes that the gentleman from Pennsylvania [Mr. GEKAS] has referred to.

All in all, this bill clarifies many outstanding issues that those who end up in bankruptcy matters, the judges, the trustees-in-bankruptcy, and the whole bankruptcy bar has been looking to have resolved for many years. So I am pleased on behalf of the Democrats on the committee to join with the gentleman from Pennsylvania [Mr. GEKAS] in urging that this measure, H.R. 764, be reported.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, first I want to thank the gentleman for yielding me this time to speak regarding section 10(2)(B) of this bill. This section would make nondischargeable through bankruptcy a debt incurred as a result of the operation of a boat or airplane while under the influence of alcohol.

This section is taken from a bill I sponsored for several years and which the House passed unanimously last year, but which unfortunately did not receive action in the Senate. My bill, and this section of H.R. 764, seeks to correct what I believe was a bill-drafting oversight involving our bankruptcy laws.

Current law states that if an individual incurs a debt as a result of the operation of a motor vehicle under the influence of alcohol, they cannot have that debt discharged through a declaration of bankruptcy. Since this law was originally enacted, the courts have generally interpreted the statute's use of the term "motor vehicle" as meaning "automobile," although some courts have differed with that.

Mr. Speaker, as we know, my home State of Michigan has an extraordinarily robust boating industry. Over the years we have worked hard on the State level, as have many other States, to make it perfectly clear that drunk boating is as serious a crime as drunk driving, and we have consistently written Michigan drunk driving laws to explicitly include drunk boating.

The language in this section simply seeks to extend this notion of equal treatment of drunk driving and drunk boating to the Federal level, as it concerns our bankruptcy laws. Since the courts have ruled that the Bankruptcy Code, as it is currently written, may only refer to automobiles, we seek to specifically add watercraft to this section of the Bankruptcy Code.

In addition, while it does not have the public profile of drunk driving and drunk boating, the operation of aircraft under the influence of alcohol and drugs has also been a problem, with far higher potential for injury and death. I might just mention parenthetically the

airplane that crashed into the White House a few years ago when someone was flying under the influence of alcohol and drugs. This bill's language recognizes this and includes the drunk operation of aircraft as well.

I want to note here that it is not my intention, nor do I believe that it is the intention of this committee presenting this bill, to include "watercraft" and "aircraft" in the definition of "motor vehicle," but rather it is the intention to add "watercraft" and "aircraft" to this section of the Bankruptcy Code exclusive of "motor vehicle," and I want the record to reflect this.

Again, Mr. Speaker, while this issue may not garner a great deal of public attention, those that have been negatively impacted by the lack of clarity in this section of the Bankruptcy Code have suffered significantly by not being able to collect judgments that have been given them, and we ought to protect future victims of drunk boating and drunk flying by adopting the simple correction called for in this bill.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I want to thank the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. GEKAS], for the work that he has done on this bill in fashioning it as he did and allowing my inclusion. What I would like to speak about is that H.R. 764 includes a provision, and by the way, I do support this bill, includes a provision that addresses an injustice that exists within Title XI of the United States Code regarding single asset bankruptcies. This provision is similar to legislation that I introduced in H.R. 73, and I thank the entire committee again for bringing this bill to the floor today.

The injustice within Title XI stems from an eleventh hour action, call it 11:59, during the 103d Congress that placed an arbitrary $4 million ceiling on single asset provisions in the bill. The affect has been to render investors helpless in foreclosures on single assets that were valued over $4 million. H.R. 764 will provide some relief to victims of this arbitrary $4 million ceiling by raising the ceiling to $15 million.

While I am glad to see we are moving in the right direction, I frankly believe we should eliminate the arbitrary ceiling altogether. Under this law, Chapter XI of the Bankruptcy Code serves as a legal shield for the debtor.

□ 2145

While in Chapter 11, the debtor will continue to collect the rents on this commercial asset. There is a problem. The problem is that the commercial property will typically be left to deteriorate and the property taxes go unpaid. When the investor finally recovers the property through the delayed foreclosure, they owe an enormous amount of back taxes, they receive a commercial property left in deterioration which has lower rent value and lower resale value, and, meanwhile, the rent for all the months or years they were trying to retain the property went to an uncollectable debtor.

It is also worth noting that H.R. 764 does not leave the debtor without protection. First, the investor brings a foreclosure against a debtor only as a last resort; and, second, the debtor has up to 90 days to reorganize under Chapter 11.

Mr. Speaker, I urge my colleagues to support H.R. 764. While I feel that we should eliminate the arbitrary ceiling on single-asset bankruptcies, this bill moves us in the right direction by making it harder for individuals to game the system.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank our colleague, the gentleman from Michigan, for adding to the impetus of this legislation, and I thank the gentleman from Michigan and the gentleman from New York [Mr. NADLER] for their cooperation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. CALVERT]. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 764, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TECHNICAL CORRECTIONS TO SECTION 10 OF TITLE 9, UNITED STATES CODE

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2440) to make technical amendments to section 10 of title 9, United States Code.

The Clerk read as follows:

H.R. 2440

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

SECTION 1. VACATION OF AWARDS.

Section 10 of title 9, United States Code, is amended—

(1) by indenting the margin of paragraphs (1) through (4) of subsection (a) 2 ems;

(2) by striking "Where" in such paragraphs and inserting "where";

(3) by striking the period at the end of paragraphs (1), (2), and (3) of subsection (a) and inserting a semicolon and by adding "or" at the end of paragraph (3);

(4) by redesignating subsection (b) as subsection (c); and

(5) in paragraph (5), by striking "Where an award" and inserting "If an award", by inserting a comma after "expired", and by redesignating the paragraph as subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a momentous piece of legislation. I hope the Speaker pays close attention to the content of our presentation.

This bill is sponsored by myself and the gentleman from New York [Mr. NADLER], and there is no controversy associated with it except what I am going to make of it. But, Mr. Speaker, H.R. 2440 is truly a technical corrections bill, which the gentleman from New York and I have introduced, with the agreement of the Office of Law Revision Counsel.

Section 10 of title 9, United States Code, has a typographical flaw which has evaded detection ever since its original enactment. That section enumerates the grounds for vacating an arbitrator's award with each new ground beginning with the word "where." The fifth ground, however, is obviously not a ground for vacating an award but, rather, the beginning of a new sentence.

The error was called to our attention by a law clerk for a justice of the State of New York Supreme Court, the Appellate Division, Mr. Peter Brokowski by name, who had occasion to refer to the statute. This, of course, is in itself heartening as an example of observant and conscientious citizens participating in and having an effect on their government. We want the record to show how much we worked on this piece of legislation. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, as the distinguished chairman said, is a momentous piece of legislation. We refer to it as the comma bill. It clears up the language in title 9 of the U.S. Code without making any substantive changes.

Section 10(a) of the Code sets out four cases under which a court may vacate an arbitrator's award after application of one of the parties. However, section 10(a) contains what appears to be a fifth case in which an award may

be vacated. In fact, it is clear from the context that section 10(a)(5) is intended to set out the circumstances under which the court may direct a rehearing by the arbitrators, and not a vacating of the arbitrator's award. It should therefore be placed into a separate subsection. The bill does this and clarifies the law, so I support this bill.

I would only add that the chairman referred to the law clerk who brought it to our attention. He is the law clerk of the Appellate Division justice, the Honorable Richard Wallach, who is a constituent and longtime friend and associate of mine. I am glad that his office was on the ball and brought this to our attention.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I regret that we have no more speakers on this subject, since I wanted a full debate, but I have no further requests for time, so I reluctantly yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 2440.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GRANTING CONSENT OF CONGRESS TO THE CHICKASAW TRAIL ECONOMIC DEVELOPMENT COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 95) granting the consent of Congress to the Chickasaw Trail Economic Development Compact.

The Clerk read as follows:

H.J. RES. 95

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, The Congress consents to the Chickasaw Trail Economic Development Compact entered into by the State of Tennessee and the State of Mississippi. The compact is substantially as follows:

CHICKASAW TRAIL ECONOMIC DEVELOPMENT COMPACT

Article I. The purpose of this compact is to promote the development of an undeveloped rural area of Marshall County, Mississippi, and Fayette County, Tennessee (hereinafter referred to as "Chickasaw Trail Economic Development Area"), and to create a development authority which incorporates public and private partnerships to facilitate the economic growth of such areas by providing developed sites for the location and construction of manufacturing plants, distribution facilities, research facilities, regional and national offices with supportive services, and facilities, and to establish a joint interstate authority to assist in these efforts.

Article II. This compact shall become effective immediately whenever the states of Tennessee and Mississippi have ratified it and Congress has given consent thereto.

Article III. The states which are parties to this compact (hereinafter referred to as "party states") do hereby establish and create a joint agency which shall be known as the Chickasaw Trail Economic Development Authority (hereinafter referred to as the "Authority"). The membership of the Authority shall consist of an appointee of the Governor of each party state, each state's chief economic development official or his/her representative, appointee of each of the member counties board of supervisors/county legislative body, selected from nominees from the county's industrial development board, and an appointee of the property owners' group. The appointive members of the authority shall serve for terms of four (4) years. Vacancies on the Authority shall be filled by appointment by the Governor or the appropriate appointing authority for the unexpired part of the term. The members of the Authority shall serve without compensation or reimbursement of expenses. The members of the Authority shall hold regular quarterly meetings and such special meetings as its business may require. They shall choose annually a chairman and vice-chairman from among their members, and the chairmanship shall rotate each year between the party states. The secretary of the Authority (hereinafter provided for) shall notify each member in writing of all meetings of the Authority in such a manner and under such rules and regulations as the Authority may prescribe. The Authority shall adopt rules and regulations for the transaction of its business; and the secretary shall keep a record of all its business, and shall furnish a copy thereof to each member of the Authority. It shall be the duty of the Authority in general, to promote, encourage and coordinate the efforts of the party states to secure the development of the Chickasaw Trail Economic Development Authority. Toward this end, the authority shall have power to hold hearings; to conduct studies and surveys of all problems, benefits and other matters associated with the development of the Chickasaw Trail Economic Development area and to make reports thereon; to acquire, by gift or otherwise, and hold and dispose of such money and property as may be provided for the proper performance of their functions; to cooperate with other public or private groups, whether local, state, regional or national, having an interest in economic development; to formulate and execute plans and policies for emphasizing the purpose of this compact before the Congress of the United States and other appropriate officers and agencies of the United States and the respective states; and the exercise of such other powers as may be appropriate to enable it to accomplish its functions and duties in connection with the development of the Chickasaw Trail Economic Development Area and to carry out the purposes of this compact.

Article IV. The Authority shall appoint a secretary, who shall be a person familiar with the nature, procedures and significance of economic development and the informational, educational and publicity methods of stimulating general interest in such developments, and who shall be the compact administrator. His/her term of office shall be at the pleasure of the Authority. He/she shall maintain custody of the Authority's books, records and papers, which he/she shall keep at the office of the Authority, and he/she shall perform all functions and duties, and exercise all powers and authorities, that may be delegated to him/her by the Authority.

Article V. Nothing in this compact shall be construed to conflict with any existing statute, or to limit the powers of any party or state or to repeal or prevent legislation, or to authorize or permit curtailment or diminution of any other economic development project, or to affect existing or future cooperative arrangements or relationships between any federal agency and a party state.

Article VI. This compact shall continue in force and remain binding upon each party state until the Legislature or Governor of each or either state takes action to withdraw therefrom; provided that such withdrawal shall not become effective until six (6) months after the date of the action taken. Notice of such action shall be given by the Secretary of State of the party state which takes such action.

In witness whereof, I, Kirk Fordice, have subscribed my signature and caused the Great Seal of the State of Mississippi to be affixed this 9th day of May, 1997.

In witness whereof, I, Don Sundquist, have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 9th day of April, 1997.

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the compact consented to by this Act shall not be affected by any insubstantial difference in its form or language as adopted by the States.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution under consideration.

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

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to join me in approving this resolution, House Joint Resolution 95, giving the consent of Congress to the Chickasaw Trail Economic Development Compact entered into between the State of Tennessee and the State of Mississippi.

As everyone knows by now, the United States Constitution provides that no two States or no number of States may enter into any agreements among themselves without the consent of Congress. That is a constitutional mandate that we have observed faithfully throughout the years. Thus, the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, which I chair, has jurisdiction and is happy to announce that this particular proposed compact has its full approval.

Mr. Speaker, the facts are that in 1992 the Marshall County, Mississippi, Industrial Development Authority recognized the need to develop a large regional industrial park in the northern

part of the county. The idea of a two-State industrial park materialized when a large tract of relatively uninhabited land owned by only a few individuals was identified on both sides of the Mississippi-Tennessee border. Located adjacent to the Memphis metropolitan area, this region is traversed by three major thoroughfares.

Verbal agreement of the landowners to participate in a public-private partnership and the support of local and State officials for the concept helped to promote the project, which was endorsed in 1995 by our former colleague, now Tennessee Governor Don Sundquist, and Mississippi Governor Kirk Fordice.

In 1996, the Tennessee and Mississippi State legislatures passed enabling legislation creating the Chickasaw Trail Economic Development Compact, subject to congressional approval, and they set up a board of directors for its development.

The industrial park envisioned by the compact is located adjacent to the metropolitan Memphis area, which is in need of available land for future industrial growth. The rural nature of the tract plus its current and planned accessibility make it advantageous for a planned park providing jobs for residents of both States.

Once again, I urge my colleagues to consent to this compact by suspending the rules and passing House Joint Resolution 95.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill gives the consent of Congress to the compact between the States of Mississippi and Tennessee to establish the Chickasaw Trail Economic Development Agency.

The compact establishes an economic development authority to determine the feasibility of establishing an industrial park in Fayette County, Tennessee, and Marshall County, Mississippi, and to assist in public-private partnerships to promote economic development in that bi-State area.

The legislation simply restates the compact, provides that the validity of the compact will not be affected by any insubstantial differences in its formal language as adopted by the two States, and reserves to Congress the right to alter, amend, or appeal the joint resolution giving consent to the compact.

Mr. Speaker, the congressional delegations of the two States support this bill, as do the two legislatures and both Governors. The subcommittee and committee unanimously reported the bill. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT. Mr. Speaker, I want to thank the chairman of our subcommittee, the distinguished gentleman from Pennsylvania [Mr. GEKAS], and also the distinguished ranking member of our subcommittee, the gentleman from New York [Mr. NADLER], whom I also want to commend for his correct pronunciation of all of these words. Very good.

Mr. Speaker, at the request, as has been said, of our former colleague and the very distinguished Governor of Tennessee, Don Sundquist, and also the very distinguished Governor of the State of Mississippi, Kirk Fordice, I, along with the gentleman from Mississippi, Mr. ROGER WICKER, introduced House Joint Resolution 95, which would give congressional consent to an interstate compact establishing the Chickasaw Trail Economic Development Authority.

Under this compact, the Chickasaw Authority would conduct a study to determine the feasibility of establishing an industrial park which would lie both in Fayette County, Tennessee, and Marshall County, Mississippi. Should the authority issue a favorable report, the States would then negotiate a new compact implementing the details needed to establish a 4,000 to 5,000-acre industrial park. These large tracts of land would come complete with utilities and infrastructure needed to attract and support the more sophisticated high-technology industry for which the two States already compete.

There are many potential benefits to this effort. It is hoped that by disposing of the incentive wars between the States, both Tennessee and Mississippi can capitalize on the advantages of the region that lie on both sides of their border and attract new employment and investment opportunities.

The proposed project will help develop the educational and economic opportunities needed to improve the quality of life of the people living in this area, while at the same time fulfilling the industrial growth needs of the city of Memphis and Shelby County.

Mr. Speaker, this project is noncontroversial and represents an innovative approach to the mutual benefit of the two counties and the two States. It has been cosponsored by the entire Tennessee and Mississippi delegations and has passed out of the Committee on the Judiciary by voice vote. Again, I would encourage my colleagues in the House to support its passage.

Mr. GEKAS. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I rise in support of this resolution to prove the Chickasaw Trail Economic Development Compact. I want to thank the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER], the ranking member, for acting on this resolution and for allowing it to come before the House so quickly. I also want to thank my good friend, the gentleman from Tennessee [Mr. BRYANT], and the majority leader for their help.

Mr. Speaker, this may seem like a simple and straightforward bill, and it is, but the Chickasaw Trail Economic Development Compact is a very important local initiative between Marshall County, Mississippi, and Fayette County, Tennessee.

According to statistics, Marshall County, Mississippi, is economically disadvantaged, without the resources and infrastructure necessary to compete and to attract business and industry. But the people of Marshall County have viewed their present circumstances as a challenge and an opportunity. They put their heads together and came up with a long-term economic development plan to attract jobs and ensure a bright future for the next generation. Included in this vision for the future has been the development of a large industrial park in northern Marshall County, adjacent to the Tennessee line.

At the same time, Mr. Speaker, in an effort to improve the regional economy in Tennessee, the Memphis Area Chamber of Commerce organized the Mid South Common Market, which includes the States of Tennessee and Mississippi and numerous counties around the city of Memphis.

□ 2200

As a result of cooperation and consultation between economic development leaders in these two States, the idea of a regional industrial park was born. The innovative project would be a 4,000- to 5,000-acre industrial park located in both Marshall County, Mississippi, and Fayette County, Tennessee.

Mr. Speaker, I am excited about this project because it will enhance the economy of our region and improve the lives of my constituents who live in Marshall County and the surrounding area. I urge its adoption. I think it is an example of the American can-do attitude.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, in that case, I have no further speakers. I urge the adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 95.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GRANTING CONSENT AND APPROVAL OF CONGRESS FOR STATE OF MARYLAND, COMMONWEALTH OF VIRGINIA, AND DISTRICT OF COLUMBIA TO AMEND WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 96) granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact.

The Clerk read as follows:

H.J. RES. 96

Whereas the State of Maryland, the Commonwealth of Virginia, and the District of Columbia have adopted amendments to the Washington Metropolitan Area Transit Regulation Compact relating to public hearing requirements and empowering transit police officers to carry weapons issued by WMATA while in an off-duty status, consistent with limitations imposed by the applicable political subdivision; and

Whereas the Congress has reviewed such amendments and is willing to consent to such amendments: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That consent of Congress is hereby given to the amendments of the State of Maryland (Chapter 489, 1996 Laws of the Maryland General Assembly and Chapter 91 and 699, 1997 Laws of the Maryland General Assembly), the amendments of the Commonwealth of Virginia (Chapter 150, 1995 Acts of Assembly of Virginia), and the amendments of the District of Columbia (D.C. Law 11-443) to sections 62 and 76 of title III of the Washington Metropolitan Area Transit Regulation Compact. Such amendments are as follows:

(1) Section 62(a) is amended to read as follows:

"(a) The Board shall not raise any fare or rate, nor implement a major service reduction, except after holding a public hearing with respect thereto.".

(2) Section 62(c) is amended to read as follows:

"(c) The Board shall give at least fifteen days' notice for all public hearings. The notice shall be given by publication in a newspaper of daily circulation throughout the Transit Zone and such notice shall be published once a week for two successive weeks. The notice period shall start with the first day of publication. Notices of public hearings shall be posted in accordance with regulations promulgated by the Board.".

(3) Section 76(b) is amended to read as follows:

"(b) A member of the Metro Transit Police shall have the same powers, including the power of arrest, and shall be subject to the same limitations, including regulatory limitations, in the performance of his duties as a member of the duly constituted police force of the political subdivision in which the Metro Transit Police member is engaged in the performance of his duties. A member of the Metro Transit Police is authorized to carry and use only such weapons, including handguns, as are issued by the Authority. A member of the Metro Transit Police is subject to such additional limitations in the use of weapons as are imposed on the duly constituted police force for the political subdivision in which he is engaged in the performance of his duties.".

(4) Section 76(e) is amended to read as follows:

"(e) The Authority shall have the power to adopt rules and regulations for the safe, convenient, and orderly use of the transit facilities owned, controlled, or operated by the Authority, including the payment and the manner of the payment of fares or charges therefor, the protection of the transit facilities, the control of traffic and parking upon the transit facilities, and the safety and protection of the riding public. In the event that any such rules and regulations contravene the laws, ordinances, rules, or regulations of a signatory or any political subdivision thereof which are existing or subsequently enacted, these laws, ordinances, rules, or regulations of the signatory or the political subdivision shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of that signatory or political subdivision. In all other respects, the rules and regulations of the Authority shall be uniform throughout the Transit Zone. The rules or regulations established under this subsection shall be adopted by the Board following public hearings held in accordance with section 62(c) and (d) of this Compact. The final regulation shall be published in a newspaper of general circulation within the Zone at least 15 days before its effective date. Any person violating any rule or regulation of the Authority shall be subject to arrest and, upon conviction by a court of competent jurisdiction, shall pay a fine of not more than two hundred fifty dollars ($250) and costs. Criminal violations of any rule or regulation of the Authority shall be prosecuted by the signatory or political subdivision in which the violation occurred, in the same manner by which violations of law, ordinances, rules, and regulations of the signatory or political subdivisions are prosecuted.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this joint resolution.

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

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge adoption of H.J. Res. 96. Just as in the previous case, this is to consider a compact in time among the entities of Maryland, Virginia, and the District of Columbia as it pertains to agreements reached by those entities with respect to the Washington Metropolitan Area Transit Regulation Compact.

Each one of these entities is a signatory, and by reason of the Constitution, the Congress has to approve the agreements that have been reached. This compact, adopted in 1967, created the Washington Metropolitan Area Transit Authority to plan, finance, construct and operate a comprehensive public transit system for metropolitan Washington D.C. In addition to a subway system connecting the three jurisdictions, WMATA administers an extensive surface transportation network throughout the area.

The Metro Transit Police Department, established in 1976, now numbers 300 sworn members with responsibility for public safety and security on Metro transit facilities. The chairman of WMATA's board of directors, Mr. Jack Evans, gave us some idea of the considerable nature of the department's workload in testimony before the subcommittee when he noted that in the last 3 years, transit officers had issued 12,197 criminal citations and arrested 3,623 individuals for various violations.

As noted, the amendments have already been agreed to by the three jurisdictions who are signatories to the compact. The first amendment modifies the public hearing process relating to fare increases and changes in service to bring it into conformity with other transit properties that follow Federal Transit Administration guidance. Under the amendment, the Authority will continue to be required to hold public hearings on proposals to raise fares or to implement major service reductions. The amendment would eliminate the need for public hearings for minor service changes and thus give the Authority more flexibility to respond quickly to ridership needs. Fifteen days' notice would be required for public hearings, with newspaper publication still required, but other required manner of posting such notice to be established by regulation.

The second amendment removes language from the compact restricting WMATA Metro Transit Police to carrying service weapons while on duty or in direct transit to and from duty assignment. The amendment would allow transit police to join other State and local area police officers who are authorized to carry weapons during off-duty hours. They will, however, continue to be subject to any additional restrictions with respect to use of weapons as imposed on the duly constituted police for the political subdivision in which they are engaged for performance of their duties. Transit police will be allowed possession of an Authority-issued weapon only.

The final amendment merely clarifies the process by which certain WMATA regulations are established, setting out the responsibility of the board to hold public hearings and to publish adopted regulations for conduct on its property at least 15 days before the effective date of such regulations.

Mr. Speaker, I know of no controversy associated with this joint resolution, and I urge its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like the last resolution, this resolution gives the consent of Congress to the changes in a local compact, in this case the Washington Metro compact agreed to by Maryland, Virginia, and the District of Columbia; provides for a number of different changes, and the changes have been approved by all three jurisdictions.

Currently, the Metro Transit Police is the only local police force in the tri-State area not authorized to carry either their own weapons or another approved weapon except while on duty. Two jurisdictions, the Metropolitan Police and the Prince George's County Police, require police to carry their firearms when not on duty. The U.S. Park Police and U.S. Capitol Police have the option of carrying a firearm when not on duty.

The current compact allows Metro Transit Police officers to carry their service firearms only while on duty in the system and in direct transit to and from work. The change that we are proposing here would allow the officer to carry the service-issued firearm while off duty, subject to the restrictions placed on local police forces in each jurisdiction while the officer is in that jurisdiction.

A second change would require a public hearing only to raise a fare or rate or to make a major service reduction. The current compact requires there be a public hearing for any fare change, even presumably a reduction in the fare, or for the establishment or abandonment of any service, no matter how minor, with few exceptions.

The notice period for a public hearing is reduced herein from 30 to 15 days, and the requirement that notices be posted in Authority offices, stations, and rolling stock is eliminated. The requirement is retained that the notice be published in a newspaper of general circulation at least once a week for 2 weeks, and further, as the Board may prescribe through regulations.

Finally, the changes provide that criminal violations of any rule or regulation of the Metro shall be prosecuted in accordance with the laws of the jurisdiction in which the violation occurred.

Mr. Speaker, one or two of the changes gives some pause to me, and if this were proposed for the New York City system, I am not so sure I would support it. But since I believe that Congress ought to allow, when there is unanimous agreement among local jurisdictions, two States and the District of Columbia, we should defer to their wisdom. I urge the adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. DAVIS], who has been of immense help in producing this moment.

Mr. DAVIS of Virginia. Mr. Speaker, I appreciate my friend the gentleman from Pennsylvania [Mr. GEKAS] for yielding me the time, and I appreciate his efforts to move this to the floor before adjournment.

Mr. Speaker, I rise today in support of the proposed amendments to the Washington Metropolitan Area Transit Authority, WMATA, Interstate Compact. The amendments under consideration have been enacted by all signatories of the WMATA compact, Virginia, Maryland and District of Columbia. The Bipartisan Area Delegation is seeking congressional consent to the proposed amendments, which passed the Committee on the Judiciary by voice vote earlier this year.

The amendments would allow the Authority to conduct its business more efficiently and effectively. This is an effort to streamline the Authority's practices and to provide for an enhanced level of protection for the Transit Authority's police officers. The amendments will both protect the public right to have input in the region's transit decision-making process as well as enhance the public safety throughout the region.

To be more specific, the first amendment modifies the Authority's current public hearing process relating to fare increases and changes in transit service. The proposal will bring the Authority into conformity with other transit properties that follow Federal public hearing standards that have been in place since 1982. Currently the Authority's public hearing practices are far broader than Federal guidelines and inhibits the ability of the Transit Authority to respond to market changes in an efficient businesslike manner.

Under the proposed amendments, the Authority will continue to be required to hold public hearings on proposals to raise fares or implement major service reductions. However, the Authority will not be required to hold public hearings for minor service changes, thus enabling WMATA to adjust to the needs of the riding public in a quick fashion.

The other major change to the WMATA compact is removal of compact language that currently limits WMATA's transit police to carrying their service weapon only when they are on duty or in direct transit to and from duty assignments. Consent to the proposal will allow the transit police to join every other police force in the region, including the Capitol Hill police, in authorizing its officers to carry weapons during off-duty hours.

As the former chairman of the Fairfax County Board of Supervisors, I can tell my colleagues that the transit police are among the best-trained forces in the region. They deserve to have the ability to defend themselves during off-duty hours. It is an unfortunate reality that the transit police are also dealing with a violence-prone criminal element who sometimes seek revenge after they have been apprehended. We need to respect the transit police, authorize them to carry their weapons that they have been trained to use, and trust that the extensive training that the transit police receive will serve them well if they are confronted during off-duty hours.

These amendments are important to the daily workings of the Washington Metropolitan Transit Authority and the safety of its police officers. I urge my colleagues to support this consent resolution.

Mr. GEKAS. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Speaker, the gentleman from Pennsylvania [Mr. GEKAS], the gentleman from New York [Mr. NADLER], as well as the distinguished gentleman from Virginia [Mr. DAVIS], who just spoke, have adequately described what this bill will do. So out of consideration for the pressing time demands of the gentleman from Pennsylvania [Mr. MURTHA], I will keep my remarks as brief as possible.

I will only say that this is a common-sense bill that will save time and money. It will improve customer service and security for those who use the Washington Metropolitan Transit system. I commend the gentleman from Virginia [Mr. DAVIS] for getting it on the consent calendar. I urge all of my colleagues to pass it unanimously.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman from New York [Mr. NADLER] for yielding me the time.

I thank the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER] for the way in which they have expeditiously moved this bill forward. I thank the gentleman from Virginia [Mr. DAVIS] for his bill.

The streamline procedures which this bill would provide are precisely the way to improve the efficiency of this vital regional facility. The provision that would allow Metro Transit officers to carry their weapons while off duty is a common-sense use to correct what is surely a waste of skilled person power when these officers are not allowed to carry their weapons with them off duty.

My own D.C. coordination bill would seek to in many ways do the same thing for other Federal officers. This is a high-efficiency bill. I urge all of my colleagues to support it.

Mr. NADLER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, H.J. Res. 96.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 105–402) on the resolution (H. Res. 323) waiving points of order against the conference report to accompany the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up H.R. 323 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 323

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

□ 2215

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 323 is a standard rule for a conference report. It waives points of order against the conference report to accompany H.R. 2159, the foreign operations, commonly known as foreign aid, appropriations bill for fiscal year 1998 and against its consideration. In addition, the rule provides that the conference report shall be considered as read.

Mr. Speaker, many of our colleagues may remember this bill from July when it was considered on the House floor. We made every effort to allow for the consideration by the entire House of almost every amendment submitted to the Committee on Rules. I believe that we have a balanced product in this conference report, and I will defer to the gentleman from Alabama [Mr. CALLAHAN], the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, to answer questions about the details of the conference report we have before us and the compromises that have been reached to complete the conference report.

Some matters have been dropped from this legislation, Mr. Speaker, that I believe strongly should not have been dropped, but this is a must-pass bill that I believe we need to pass tonight, and I think it is a good piece of legislation on this critical area that we bring before the House. I thank the gentleman from Alabama [Mr. CALLAHAN], the chairman, and the gentlewoman from California [Ms. PELOSI], the ranking member, for their hard work on this important bill. I urge adoption of the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Florida [Mr. DIAZ-BALART] for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, H. Res. 323 is obviously a rule that provides for consideration of the conference report on H.R. 2159, which is the bill that makes appropriations for foreign operations, export financing, and related programs in the fiscal year 1998. As the gentleman from Florida described, this rule waives all points of order. It provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

I want to thank the gentleman from Alabama [Mr. CALLAHAN] and the gentlewoman from California [Ms. PELOSI] for crafting this bipartisan legislation. In particular I thank both of them for supporting foreign assistance programs that benefit needy children.

The conference agreement appropriates about $13 billion for foreign operations in 1998. It is an increase of about $1 billion more than last year but less than the President's request. It also includes legislative provisions, including language which gives the President flexibility to negotiate in the Middle East.

Though I am pleased that the conference agreement is slightly more than the House level, I fear that it is inadequate to meet the global challenges facing the United States in its role as the sole superpower. Money spent wisely on foreign assistance is an investment in world security that directly benefits the United States and its citizens. Promoting world stability through foreign aid will help keep us out of more costly wars.

I am particularly pleased that the bill includes $650 million for child survival and disease programs. These programs are really cost-effective, and they save the lives of children in the poorest countries of the world. This represents an increase of $50 million for prevention of diseases such as tuberculosis, AIDS and malaria. The bill provides $100 million for UNICEF, which is an outstanding program with a proven track record of helping the world's needy children.

The bill fully funds the Peace Corps at a level of $225 million, which is an increase of $14 million over last year's level. This is our country's people-to-people diplomatic corps that promotes American goodwill and gives Americans the opportunity to learn firsthand about other cultures while helping others. The bill also appropriates $190 million for international disaster assistance, another high priority account, especially when we have 25 to 26 major humanitarian crises today in the world.

Mr. Speaker, we are a great and we are a wealthy Nation. We can do better than the funding levels in this bill. However, I recognize the fiscal constraints which Congress has imposed upon itself. Therefore, I support this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I support this rule, and I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CALLAHAN. Mr. Speaker, pursuant to the rule just adopted, I call up the conference report on the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore [Mr. LAHOOD]. Pursuant to House Resolution 323, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Alabama [Mr. CALLAHAN] and the gentlewoman from California [Ms. PELOSI] each will control 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. CALLAHAN].

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2159, and that I may include tabular and extraneous material.

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

There was no objection.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume. We are going to be very brief, I think, at least on this side, and in talking with the other side, they too have indicated that we have already basically debated this bill. But we are considering H.R. 2159, the appropriation bill for foreign operations in 1998.

After adjusting for funds that are not scored against the subcommittee due to the budget resolution, the total in discretionary budget authority is $12.787 billion, which is $13 million below our allocation of $12.8 billion.

With regard to funding for population planning assistance, the House and Senate leadership made valiant efforts to reach a compromise with the White House on the Mexico City policy language. Since a compromise was not forthcoming, at their direction we have frozen funding for population programs at $385 million and apportioned funds on a monthly basis. That is a cut of $58 million from the President's request and $50 million from the Senate level. That means that if the Mexico City provisions can be enacted into law later this session or early next session, Mexico City policy will apply to most all of the funds made available for international family planning.

The conference agreement also includes a general provision which for the first time sets a cap on the amount of money in our bill for the Middle East. Last year the Middle East consumed $5.4 billion, or 44 percent of our bill. The new provision in our bill sets a limit of $5.4 billion on funds for the Middle East, thus reducing the Middle East to 42 percent of this year's total foreign operations bill. Israel is not affected. Our bill protects all the funds traditionally provided to Israel, as well as ensuring significant amounts of money for Egypt and Jordan as well. Otherwise, the President can spend this money any way he wants, just as long as he stays under the overall $5.4 billion cap. This important provision will help the President and the Congress to prudently manage our foreign aid dollars, even as it preserves our support for our friends and allies in the Middle East.

The conference report contains very strong language condemning Russia's increased cooperation with Iran in the nuclear and ballistic missile areas. Iran remains a terrorist state committed to both violence abroad and against its neighbors in the Middle East. Russia's irresponsible arms transfer policy to Iran can no longer be ignored, particularly press reports that Russia is providing Iran with sophisticated ballistic missile technology. When this is combined with Iran's already robust nuclear program, this can only be a formula for disaster.

In an effort to encourage peace and renewal in the southern Caucasus, we have provided up to $250 million for that troubled region. Of that amount, $12.5 million is reserved for the people of Nagorno-Karabakh, who have gone without direct American assistance. We have also opened the door to more trade and commercial activities, as well as prodemocracy activities in Azerbaijan.

In addition, the Senate agreed to our proposal to add $50 million to the Child Survival Fund for infectious disease activities. This no doubt is one of the most popular programs that the Congress has enacted in this arena in many, many decades. Many Members of our subcommittee have supported this initiative, and I want to acknowledge their assistance. The gentleman from California [Mr. PACKARD] has been a strong supporter of child survival. In addition, the gentleman from New Jersey [Mr. FRELINGHUYSEN] made an important contribution in highlighting the importance of international efforts to combat tuberculosis. They and many Members from both sides of the aisle have written indicating their support for higher funding levels for child survival.

We have also recommended, in report language, the funding for Latin America and the Caribbean to be increased by a modest $20 million. I strongly support additional assistance for the nations of our hemisphere, and fully expect the administration to respect this direction.

We also uphold the House position on the funding for the CAMPFIRE program. As in the House bill, no funds may be available for any activity in contravention to the Convention on International Trade in Endangered Species, but we refused to take the anti-hunting language that was in the Senate amendment.

There are a number of other provisions, Mr. Speaker, in the bill that are explained in the Statement of Managers. I only want to add that I very much appreciate the support and input that was provided by all the members of the subcommittee, including the gentlewoman from California [Ms. PELOSI], our new ranking minority member. It has been a pleasure to deal with her, as well as the gentleman from Wisconsin [Mr. OBEY], the ranking member of the full committee, on this very controversial and very difficult bill this year. I would also like the staff on both sides of the aisle to know of my sincere appreciation for all of their assistance.

Mr. Speaker, I include the following tabular material for the RECORD:

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1998 (H.R. 2159)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
EXPORT-IMPORT BANK OF THE UNITED STATES						
Limitation on Program Activity:						
Subsidy appropriation	726,000,000	632,000,000	632,000,000	700,000,000	683,000,000	-43,000,000
(Direct loan authorization)	(1,270,000)	(1,330,000,000)	(1,330,000,000)	(1,330,000,000)	(1,330,000,000)	(+1,328,730,000)
(Guaranteed loan authorization)	(11,050,000,000)	(11,300,000,000)	(11,300,000,000)	(11,300,000,000)	(11,300,000,000)	(+250,000,000)
Administrative expenses	46,614,000	48,614,000	48,614,000	46,614,000	48,614,000	+2,000,000
(By transfer)				(22,000,000)		
Negative subsidy	-58,000,000	-51,000,000	-51,000,000	-51,000,000	-51,000,000	+7,000,000
Total, Export-Import Bank of the United States	714,614,000	629,614,000	629,614,000	695,614,000	680,614,000	-34,000,000
OVERSEAS PRIVATE INVESTMENT CORPORATION						
Noncredit account:						
Administrative expenses	32,000,000	32,000,000	32,000,000	32,000,000	32,000,000	
Insurance fees and other offsetting collections	-224,000,000	-251,000,000	-251,000,000	-251,000,000	-251,000,000	-27,000,000
Direct loans:						
Loan subsidy	4,000,000	4,000,000		4,000,000	4,000,000	
(Loan authorization)	(80,000,000)	(133,000,000)		(133,000,000)	(133,000,000)	(+53,000,000)
Guaranteed loans:						
Loan subsidy	68,000,000	56,000,000		56,000,000	56,000,000	-12,000,000
(Loan authorization)	(1,360,000,000)	(1,800,000,000)		(1,800,000,000)	(1,800,000,000)	(+440,000,000)
Total, Overseas Private Investment Corporation	-120,000,000	-159,000,000	-219,000,000	-159,000,000	-159,000,000	-39,000,000
FUNDS APPROPRIATED TO THE PRESIDENT						
Trade and Development Agency						
Trade and development agency	40,000,000	43,000,000	40,000,000	43,000,000	41,500,000	+1,500,000
(By transfer)	(5,000,000)					(-5,000,000)
Total, title I, Export and investment assistance	634,614,000	513,614,000	450,614,000	579,614,000	563,114,000	-71,500,000
(By transfer)	(5,000,000)			(22,000,000)		(-5,000,000)
(Loan authorizations)	(12,491,270,000)	(14,563,000,000)	(12,630,000,000)	(14,563,000,000)	(14,563,000,000)	(+2,071,730,000)
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
Agency for International Development						
Child survival and disease programs fund	600,000,000		650,000,000		650,000,000	+50,000,000
Development assistance	1,181,500,000	998,000,000	1,167,000,000	1,358,093,020	1,210,000,000	+28,500,000
Population, Development assistance				435,000,000		
Development Fund for Africa		700,000,000				
International disaster assistance	190,000,000	190,000,000	190,000,000	195,000,000	190,000,000	
Debt restructuring	27,000,000	34,000,000	27,000,000	34,000,000	27,000,000	
Micro & Small Enterprise Development program account:						
Subsidy appropriations	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	
(By transfer)				(8,000,000)		
(Direct loan authorization)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	
(Guaranteed loan authorization)	(39,000,000)	(48,000,000)	(48,000,000)	(48,000,000)	(48,000,000)	(+9,000,000)
Administrative expenses	500,000	500,000	500,000	500,000	500,000	
Urban and environmental credit program account:						
Subsidy appropriations	3,500,000	3,000,000	3,000,000	3,000,000	3,000,000	-500,000
(Guaranteed loan authorization)	(29,400,000)	(46,000,000)	(46,000,000)	(46,000,000)	(46,000,000)	(+16,600,000)
Administrative expenses	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	
Enhanced Credit Authority:						
Program account (by transfer)				(8,000,000)		
Administrative expenses (by transfer)				(2,000,000)		
Subtotal, development assistance	2,010,000,000	1,933,000,000	2,045,000,000	2,033,093,020	2,088,000,000	+78,000,000
Payment to the Foreign Service Retirement and Disability Fund	43,826,000	44,208,000	44,208,000	44,208,000	44,208,000	+382,000
Operating expenses of the Agency for International Development	470,750,000	473,000,000	468,750,000	473,000,000	473,000,000	+2,250,000
Operating expenses of the Agency for International Development Office of Inspector General	30,000,000	29,047,000	29,047,000	29,047,000	29,047,000	-953,000
Subtotal, Agency for International Development	2,554,576,000	2,479,255,000	2,587,005,000	2,579,348,020	2,634,255,000	+79,679,000
Other Bilateral Economic Assistance						
Economic support fund:						
Camp David countries	2,015,000,000	2,015,000,000	2,015,000,000	2,015,000,000	2,015,000,000	
Other	328,000,000	482,600,000	360,000,000	526,150,000	385,000,000	+57,000,000
Subtotal, Economic support fund	2,343,000,000	2,497,600,000	2,375,000,000	2,541,150,000	2,400,000,000	+57,000,000
International fund for Ireland	19,600,000		19,600,000		19,600,000	
Assistance for Eastern Europe and the Baltic States	475,000,000	492,000,000	470,000,000	485,000,000	485,000,000	+10,000,000

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1998 (H.R. 2159) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Assistance for the New Independent States of the former Soviet Union	625,000,000	900,000,000	625,000,000	800,000,000	770,000,000	+145,000,000
U.S. Russian Investment Fund (by transfer)		(50,000,000)				
Subtotal, Other Bilateral Economic Assistance	3,462,600,000	3,889,600,000	3,489,600,000	3,826,150,000	3,674,600,000	+212,000,000
Total, Agency for International Development	6,017,176,000	6,368,855,000	6,076,605,000	6,405,498,020	6,308,855,000	+291,679,000
INDEPENDENT AGENCIES						
Inter-American Foundation						
Appropriations		22,000,000	20,000,000			
(By transfer)				(18,000,000)	(22,000,000)	(+22,000,000)
African Development Foundation						
Appropriations		14,000,000	11,500,000			
(By transfer)				(10,500,000)	(14,000,000)	(+14,000,000)
Peace Corps						
Appropriations	208,000,000	222,000,000	222,000,000	206,000,000	222,000,000	+14,000,000
(By transfer)	(12,000,000)			(14,000,000)		(-12,000,000)
Department of State						
International narcotics control	213,000,000	230,000,000	230,000,000	216,200,000	215,000,000	+2,000,000
Narcotics interdiction					15,000,000	+15,000,000
Migration and refugee assistance	650,000,000	650,000,000	650,000,000	650,000,000	650,000,000	
Refugee resettlement assistance	5,000,000		5,000,000		5,000,000	
United States Emergency Refugee and Migration Assistance Fund	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	
Anti-terrorism assistance		19,000,000				
Nonproliferation and Disarmament Fund		15,000,000				
Nonproliferation, anti-terrorism, demining and related programs	151,000,000		118,000,000	129,000,000	133,000,000	-18,000,000
Total, Department of State	1,069,000,000	964,000,000	1,053,000,000	1,045,200,000	1,068,000,000	-1,000,000
Total, title II, Bilateral economic assistance	7,294,176,000	7,590,855,000	7,383,105,000	7,656,698,020	7,598,855,000	+304,679,000
(By transfer)	(12,000,000)	(50,000,000)		(60,500,000)	(36,000,000)	(+24,000,000)
(Loan authorizations)	(69,400,000)	(95,000,000)	(95,000,000)	(95,000,000)	(95,000,000)	(+25,600,000)
TITLE III - MILITARY ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Military Education and Training	43,475,000	50,000,000	50,000,000	47,000,000	50,000,000	+6,525,000
Foreign Military Financing Program:						
Grants:						
Camp David countries	3,100,000,000	3,100,000,000	3,100,000,000	3,100,000,000	3,100,000,000	
Other	124,000,000	174,250,000	159,250,000	208,950,000	196,550,000	+72,550,000
Subtotal, grants	3,224,000,000	3,274,250,000	3,259,250,000	3,308,950,000	3,296,550,000	+72,550,000
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	
Direct concessional loans:						
Subsidy appropriation	60,000,000	66,000,000	60,000,000	74,000,000	60,000,000	
(Loan authorization)	(540,000,000)	(699,500,000)	(657,000,000)	(759,500,000)	(657,000,000)	(+117,000,000)
FMF program level	(3,764,000,000)	(3,973,750,000)	(3,916,250,000)	(4,068,450,000)	(3,953,550,000)	(+189,550,000)
Total, Foreign military assistance	3,284,000,000	3,340,250,000	3,319,250,000	3,382,950,000	3,356,550,000	+72,550,000
Special Defense Acquisition Fund:						
Offsetting collections	-166,000,000	-106,000,000	-106,000,000	-106,000,000	-106,000,000	+60,000,000
Peacekeeping operations	65,000,000	90,000,000	77,500,000	75,000,000	77,500,000	+12,500,000
Total, title III, Military assistance	3,226,475,000	3,374,250,000	3,340,750,000	3,398,950,000	3,378,050,000	+151,575,000
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	
(Loan authorization)	(540,000,000)	(699,500,000)	(657,000,000)	(759,500,000)	(657,000,000)	(+117,000,000)
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Financial Institutions						
World Bank Group						
Contribution to the International Bank for Reconstruction and Development:						
Contribution to the International Finance Corporation	6,656,000					-6,656,000
Contribution to the Global Environment Facility	35,000,000	100,000,000	35,000,000	60,000,000	47,500,000	+12,500,000
Contribution to the International Development Association	700,000,000	1,034,504,000	606,000,000	1,034,500,000	1,034,503,100	+334,503,100
Total, World Bank Group	741,656,000	1,134,504,000	641,000,000	1,094,500,000	1,082,003,100	+340,347,100

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1998 (H.R. 2159) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Contribution to the Inter-American Development Bank:						
Paid-in capital	25,610,667	25,610,667	25,610,667	25,610,667	25,610,667	.....
(Limitation on callable capital subscriptions)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	.....
Fund for special operations	10,000,000	20,835,000	20,835,000	20,835,000	20,835,000	+10,835,000
Contribution to the Enterprise for the Americas Multilateral Investment Fund	27,500,000	30,000,000	.....	30,000,000	30,000,000	+2,500,000
Total, contribution to the Inter-American Development Bank	63,110,667	76,445,667	46,445,667	76,445,667	76,445,667	+13,335,000
Contribution to the Asian Development Bank:						
Paid-in capital	13,221,596	13,221,596	13,221,596	13,221,596	13,221,596	.....
(Limitation on callable capital subscriptions)	(647,858,204)	(647,858,204)	(647,858,204)	(647,858,204)	(647,858,204)	.....
Contribution to the Asian Development fund	100,000,000	150,000,000	100,000,000	150,000,000	150,000,000	+50,000,000
Total, contribution to the Asian Development Bank	113,221,596	163,221,596	113,221,596	163,221,596	163,221,596	+50,000,000
Contribution to the African Development Fund	.....	50,000,000	50,000,000	.....	45,000,000	+45,000,000
Contribution to the European Bank for Reconstruction and Development:						
Paid-in capital	11,916,447	35,778,717	35,778,717	35,778,717	35,778,717	+23,862,270
(Limitation on callable capital subscriptions)	(27,805,043)	(123,237,803)	(123,237,803)	(123,237,803)	(123,237,803)	(+95,432,760)
North American Development Bank:						
Paid-in capital	56,000,000	56,500,000	56,500,000	56,500,000	56,500,000	+500,000
(Limitation on callable capital subscriptions)	(318,750,000)	(318,750,000)	(318,750,000)	(318,750,000)	(318,750,000)	.....
Contribution to the Bank for Economic Cooperation and Development in the Middle East and North Africa:						
(By transfer)	.....	(52,500,000)	.....	.....	.....	.....
(Limitation on callable capital subscriptions)	.....	(157,500,500)	.....	.....	.....	.....
International Monetary Fund						
Contribution to the enhanced structural adjustment facility	.....	7,000,000	.....	.....	.....	.....
Loans to International Monetary Fund	.....	3,521,000,000	.....	3,521,000,000	.....	.....
Total, International Financial Institutions	985,904,710	5,044,449,980	942,945,980	4,947,445,980	1,458,949,080	+473,044,370
(Limitation on callable capital subscript)	(2,498,132,157)	(2,751,065,417)	(2,593,564,917)	(2,593,564,917)	(2,593,564,917)	(+95,432,760)
International Organizations and Programs						
International organizations and programs	169,950,000	365,000,000	194,000,000	277,000,000	192,000,000	+22,050,000
(By transfer)	(17,500,000)	.....	.....	(2,500,000)	(2,500,000)	(-15,000,000)
Total, title IV, Multilateral economic assistance	1,155,854,710	5,409,449,980	1,136,945,980	5,224,445,980	1,650,949,080	+495,094,370
(By transfer)	(17,500,000)	(52,500,000)	.....	(2,500,000)	(2,500,000)	(-15,000,000)
(Limitation on callable capital subscript)	(2,498,132,157)	(2,751,065,417)	(2,593,564,917)	(2,593,564,917)	(2,593,564,917)	(+95,432,760)
Grand total	12,311,119,710	16,888,168,980	12,311,414,980	16,859,708,000	13,190,968,080	+879,848,370
(By transfer)	(34,500,000)	(102,500,000)	.....	(85,000,000)	(38,500,000)	(+4,000,000)
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	.....
(Limitation on callable capital subscript)	(2,498,132,157)	(2,751,065,417)	(2,593,564,917)	(2,593,564,917)	(2,593,564,917)	(+95,432,760)
(Loan authorizations)	(13,100,870,000)	(15,357,500,000)	(13,382,000,000)	(15,417,500,000)	(15,315,000,000)	(+2,214,330,000)
Total mandatory and discretionary	12,311,119,710	16,888,168,980	12,311,414,980	16,859,708,000	13,190,968,080	+879,848,370
Mandatory	43,826,000	44,208,000	44,208,000	44,208,000	44,208,000	+382,000
Discretionary	12,267,293,710	16,843,960,980	12,267,206,980	16,815,500,000	13,146,760,080	+879,466,370

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report and commend the gentleman from Alabama [Mr. CALLAHAN], our distinguished chairman, for his leadership in reaching consensus on this bill which has been controversial in the past. I commend also the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee, and the gentleman from Wisconsin [Mr. OBEY], the ranking Democrat on the full committee, for their leadership in reaching resolution on some of these controversial issues.

As our chairman pointed out, all of the members of the committee, Democrat and Republican, fully participated in many of the issues before us. I believe that we have a good bill before us, and am pleased to point out some of the positive accomplishments in the bill as I join the gentleman from Alabama [Mr. CALLAHAN] in commending the staff of the subcommittee as well as the personal staffs of Members who worked so hard to bring us to this point.

Some of the positive accomplishments in the bill, Mr. Speaker, include retaining of the traditional amount of funding for the Middle East, with an additional $225 million in assistance for Jordan and appropriate authorities that allow the administration the flexibility to negotiate in that region.

Full funding for the International Development Association, IDA, at $1.034 billion which includes payment in full for our arrears package. The IDA program is the soft window of the World Bank that provides funding for the poorest of the poor countries and projects. I am very, very pleased with the dollar amount in the bill. Our chairman is a tough fiscal conservative and a strict disciplinarian. He watches every dollar spent. I think the priorities established in funding the IDA were important, and I commend him for supporting that increase.

There is $650 million in a separate child survival account which I call the Callahan child survival account. It includes an increase of $50 million for fighting infectious diseases, including tuberculosis, HIV/AIDS and malaria.

□ 2230

It includes full funding for the refugee assistance, disaster assistance, and full funding for the Peace Corps.

Our chairman has pointed out the creation of a new fund for assistance to the countries of the South Caucasus in the New Independent States. The fund would provide a total of $250 million, with close to $90 million each for Armenia and the country of Georgia. Additional assistance is made available for Nagorno-Karabagh, and there is additional money left in the fund when the Minsk process, I hope, brings peace to the region and is concluded successfully.

Our chairman has referenced, and I will too, the provisions for assistance to Russia expressing our concern about Russia's proliferation of missiles to Iran as well as our concern about freedom of religion in Russia. In cooperation with Senator SMITH in the Senate we were able to reach an appropriate compromise on that language.

We have added funds to the request for the Export-Import Bank and fully funded the Overseas Private Investment Corporation, OPIC. As my colleagues know, part of our function as the Subcommittee on Foreign Operations, Export Financing and Related Programs is to fund exports, the insurance and financing of exports, growing our economy by increasing our exports abroad. OPIC and Export-Import Bank are created for that purpose. We also fund the TDA, the Trade Development Agency, administration in this bill. Both of the promotion programs, Export-Import and OPIC, are therefore robustly funded and fully authorized.

Total funding in the bill is at $12.8 billion plus $300 million in international bank arrears, which is very close to the administration's request. Through the Congress working its will through the committee process, we were able to grow the funding that started out at a much lower figure in this House. I think we are at an appropriate level now.

As our chairman suggested, there is a compromise on the Mexico City language. The international family planning provisions of this legislation represent, I think, an appropriate compromise which enables us to reduce the number of abortions worldwide by providing the funding for international family planning with conditions which I consider onerous but acceptable; that is, monthly monitoring; I mean, excuse me, monthly metering of the funding. That is, in any given month, no more than 8.34 percent of the total amount is able to be obligated; that is, one-twelfth of the annual appropriation.

In addition to that, language requiring the full pursuit of war criminals in Bosnia and Croatia as a condition for further assistance to those countries was included. I thank our colleagues, the gentleman from Maryland [Mr. CARDIN] and the gentleman from Maryland [Mr. HOYER], for their leadership on these issues. And again, in addition, appropriate restrictions on aid to Cambodia and the Democratic Republic of the Congo are included.

I am concerned, however, Mr. Speaker, that the committee did not include funding and authorization for the New Arrangements to Borrow. The New Arrangements to Borrow, or NAB, is a set of emergency credit lines, a kind of reserve tank for use by the International Monetary Fund in the event of serious temporary threats to global financial stability.

The multilateral burden-sharing aspects of this new mechanism are impressive. The U.S.'s $3.5 billion would leverage over $20 billion in commitments from 24 other countries. The $3.5 billion in budget authority for the NAB is not scored as a budget outlay and thus neither increases the deficit nor crowds out other Federal programs.

Recent events in Southeast Asia illustrate the continuing risk to the stability of global financial markets and demonstrate the importance of the IMF to the American regional and global interest. The Asian crisis clearly highlights the need for sufficient emergency resources to safeguard stability and protect the financial system and the American economy from the damaging ripple effects of widespread shocks.

The NAB, the New Arrangements to Borrow, in other words known as NAB, is a necessary addition to these resources. Simply put, our national interests and global leadership insist that we support the authorization and the appropriation. However that provision is not in the legislation.

But all in all, I am very, very proud to join with our distinguished chairman, the gentleman from Alabama [Mr. CALLAHAN], in supporting this legislation and urge its passage and urge an aye vote from our colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we just have a couple of speakers who are going to speak very briefly. We have already debated the bill. It is essentially the same bill that we passed through the House with a few Senate changes.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I commend the gentleman from Alabama [Mr. CALLAHAN], the distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, for bringing this measure to the floor at this time.

However, Mr. Speaker, it is important during the debate to point out what is not being accomplished in this foreign operations appropriations conference, and while I will not oppose this measure, I did want to bring these factors to the attention of the House.

Mr. Speaker, last week the House and the Senate leadership made a proposal to attach four major portions of the foreign relations authorization bill to the foreign operations appropriations conference report, and those sections included the basic authorizations for the State Department and related accounts, the U.N. reform and arrearage

package, the European Security Act, and the foreign affairs agencies consolidation provisions. Those additions to the appropriations bill reflected the work of the authorization conference.

Regrettably, our conference was not completed because, like the appropriators, we were unable to resolve the Mexico City issue. We have now reached a cease-fire on the foreign operations bill as filed by the gentleman from Alabama [Mr. CALLAHAN], and in the final bill they dropped the Mexico City policy, they dropped the U.N. reform measure, they dropped the State authorization bill, they dropped the IMF new arrangements to borrow and the European Security Act; all of them dropped out of the foreign operations conference report, and that action resulted in other losses, including the deadbeat diplomat language and the diplomatic immunity measure, key reports on Cuban immigration and the Libertad Act, the Speaker's language increasing broadcasting to Communist China, and availability pay increases for our diplomatic security agents.

I urged the Committee on Rules and the House leadership to include the State Department authorization along with the European Security Act in the foreign operations conference report. Regrettably, that request was not accommodated, and we come to the end of this session without those important noncontroversial provisions taking effect.

As an authorizing committee chairman, we are frustrated by the actions taken that preserve the Committee on Appropriations at the price of the authorizing committees. This is also true in the case of the upcoming Commerce-Justice-State appropriations bill which is expected to carry a full year waiver of the requirement for an authorizing bill, a full year waiver for authorizations.

The CJS authorization waiver is like a noose around the neck of our authorizing committee and Senator HELMS' committee. As long as a waiver provision is in that bill, the administration is going to find excuses, any excuse, not to deal with us in a straightforward, forthright manner. The administration will always rely on the Committee on Appropriations to bail them out.

To avoid that kind of a problem, I recommend limiting the waiver of the authorization requirement to March 1, 1998, to give us the month of February to work things out under a hard deadline that both the Congress and the administration must meet. If the authorization waiver is not limited, I see little chance for our authorization bill to pass at a later date. That will jeopardize the elimination of ACDA, the consolidation of USIA, U.N. reforms and U.N. arrearages, the European Security Act, and dozens of others of foreign policy priorities that the Congress is concerned about.

I thank the gentleman for having yielded this time to me. As I stated before, I will support this measure. However, I wanted to call these problems to the attention of our colleagues.

Ms. PELOSI. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking member of the full committee; longtime chair of the Subcommittee on Foreign Operations, Export Financing and Related Programs; and I thank him for his leadership in helping us bring this consensus bill to the floor.

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for the time.

Mr. Speaker, let me simply say that I am supporting and inclined to support this bill, but I have serious concerns about it. One, Mr. Speaker, is that this bill has consistently, when it left the House, been relatively free of earmarks. But then it goes over to the Senate, and when it emerges from the Senate, it almost looks as though it is a document designed more to facilitate congressional fund-raising than it is to facilitate the promotion of the United States' national interest.

There are numerous earmarks which are added to the point where, for instance, in the portion of this bill which used to be focused on aid to Russia and former republics in the Soviet Union, so much has been earmarked that at this point one individual American, George Soros, will in the next 5 years be giving assistance to Russia which is more effective than that of the United States Government. I do not think that represents a rational allocation of resources on our part.

But I must also say that I think this bill has two serious gaps. What has happened evidently is that in retaliation for the fact that Mexico City language, desired by some Members of the House, is not contained in this bill, because of that fact, we now have in retaliation a determination to eliminate from this bill all funding for the IMF program that has been mentioned by the gentlewoman from California [Ms. PELOSI] and also to eliminate from the State-Justice-Commerce bill any provision providing for funding of our arrearages at the United Nations. I believe that that is definitely not in the interests of the United States.

On the first issue, we right now have seen the beginning effects of the exploding currency crisis in Asia. We saw our own stock market decline by around 500 points, in very large part triggered by the fact that Asian markets are extremely unstable and are likely to remain so for some time to come.

I think it is a grave omission for the Congress, bordering on irresponsibility, for this Congress not to provide at least some bridge authority for the administration to meet any additional currency crisis if it would occur in Asia.

We have three choices. If one occurs, we can either do nothing or we can try to foot the bill largely on our own in order to stabilize the currency situation, or we can try to rely on the multilateral approach which would reduce our own financial exposure. But the congressional majority has determined that that is not to be provided. I think that is a grave mistake.

Secondly, at this moment we are trying to marshal the most united approach possible in the United Nations in whatever action we choose or we find necessary to take against Saddam Hussein. We do not strengthen our leverage in getting effective United Nations action when we do not pay our bills. We have about $900 million in arrearages owed to the United Nations.

It seems to me that at least to put ourselves in a better position to strengthen our leadership in that institution, we should at least provide the $100 million that was requested this year as the down payment on finally ending that arrearage situation.

I find it troubling that we are going to follow a high-risk strategy in both the Asian currency situation and the Iraqi situation simply in order to engage in payback because certain people did not get the language they wanted with respect to Mexico City.

So, Mr. Speaker, I would simply rise to caution Members of the House that we are running a high-risk strategy and this country may pay a very high price for the omission that we are talking about here this evening.

□ 2245

Mr. CALLAHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman from Alabama, Chairman CALLAHAN, for yielding me this time.

Mr. Speaker, I rise in strong support of the conference report to H.R. 2159. Each member of this subcommittee in both the House and the Senate have worked very, very hard in a bipartisan fashion to craft a bill that reflects, I think, our Nation's international priorities, while maintaining the fiscal responsibility.

I commend the House and the Senate chairmen for continuing our strong commitment to the Middle East, and also to democracy in Russia, while addressing the grave concerns we have about Russia and their exports of nuclear ballistic missile technology to Iran. The conference report so stipulates that aid to Russia is contingent upon stopping the spread of any technology which would bolster Iran.

Finally, I am very pleased with provisions in the conference report dealing with the ongoing conflicts in the Caucasus. The conference report provides, and I think most importantly, to

include a recommendation for $12.5 million in aid to meet the pressing needs of the people in the Nagorno Karabagh. I commend the managers for recognizing the tremendous humanitarian aid that is needed in the Nagorno Karabagh and look forward to working with the body and administration to ensure that that vital funding is delivered promptly and in accordance with congressional intent.

Members of the subcommittee, I would like to thank all of them, and thank again.

The gentleman from Alabama, Chairman CALLAHAN, the ranking member, the gentlewoman from California [Ms. PELOSI], and all of those who contributed to the difficult decisions made to bring this bill to the floor. I believe the managers have united to craft a bill that will maintain U.S. leadership and strengthen our influence across the globe.

I ask for Members to support this conference report.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from New York [Mrs. LOWEY], a distinguished member of the subcommittee.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of H.R. 2159. In deference to our chairman, I will be very brief.

I want to thank our distinguished chairman and the ranking minority member for the really outstanding work they did in bringing together a strong bipartisan bill. We appreciate their efforts. It has been long, and it has been hard, but we are glad that it is coming to conclusion, because this bill does strike a delicate balance on a number of very controversial issues. I thank them for their leadership.

This bill includes, Mr. Speaker, the full $3 billion aid package for Israel, the critical $80 million for refugee resettlement assistance. Although the development assistance account is lower than the administration requested, it does include a critical $15 million increase for international microcredit programs. Microcredit is a critical tool in the fight to eradicate poverty worldwide, and it enjoys bipartisan support in the Congress and this administration.

Providing these small low-interest loans to the millions of low-income entrepreneurs around the world would be a major step toward the eradication of poverty. This is especially true among women, who are very often the heads of households and benefit tremendously from microcredit programs.

This is a critical time for microcredit. We have come a long way this year alone, but we must do more, and the increase in this bill will allow us to help thousands of people pull themselves out of poverty.

Mr. Speaker, I just want to say that I do remain concerned about several accounts in this bill. The critical population assistance account includes onerous restrictions, including monthly metering and a freeze at last year's level that I oppose. I know that our chairman and the chairman of the full committee have worked very hard to come to a satisfactory solution to this issue.

I am also concerned that the administration has not been given the critical new arrangements to borrow that it has sought for the International Monetary Fund. However, Mr. Speaker, on the whole, this bill represents a good compromise between the gentleman from Alabama, Chairman CALLAHAN, the ranking member, the gentlewoman from California [Ms. PELOSI and all the members of this subcommittee. Again, I want to thank them for the cooperation, and I strongly urge passage of the bill.

Mr. CALLAHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of the conference agreement and thank the gentleman from Alabama [Mr. CALLAHAN], for his leadership in bringing this bill to a conclusion.

In this conference report we provide the essential tools to promote and protect America's leadership and interests around the globe. With this bill we maintain our strong commitment to Israel and to the Middle East peace process, we provide critical funding for child survival programs, and we continue America's long-standing support for development assistance for the poorest of the poor, including international family planning programs. We provide support for the new democracies of Eastern Europe, and we place increased emphasis on important priorities in our own hemisphere.

Further, we have provided resources to help American companies enter new markets, to protect global environmental resources, and to combat threat of international narcotics and terrorism from reaching our shores. These investments are made, Mr. Speaker, for less than 1 percent of the overall Federal budget and within the framework of our balanced budget plan.

Again, Mr. Speaker, I congratulate the gentleman from Alabama [Mr. CALLAHAN] for all of his efforts.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE], who has been a leader on the issue of the Caucasus region, particularly Armenia and Nagorno Karabagh.

Mr. PALLONE. Mr. Speaker, I want to urge support for the bill that we are considering tonight. The conference report contains important provisions affecting Armenia and the Caucasus region, most of which I support. I do want to express my respect and gratitude for the gentleman from Alabama, Chairman CALLAHAN, for his willingness to listen to the concerns of the Armenian community, and particularly I want to salute the ranking member, the gentlewoman from California [Ms. PELOSI], and Members of the Subcommittee on Foreign Operations, particularly the gentleman from Illinois [Mr. PORTER] and the gentleman from Michigan [Mr. KNOLLENBERG] for their tireless efforts on behalf of Armenia, the Nagorno Karabagh, and the cause of peace and stability in the Caucasus, and I also want to thank the gentleman from New Jersey [Mr. FRELINGHUYSEN].

This bill provides an unprecedented $12.5 million in humanitarian aid to Nagorno Karabagh. Despite relentless opposition from the administration, the lobbyists for Azerbaijan and Turkey, the bill provides, for the first time, an earmark of humanitarian assistance for the people of Karabagh.

These funds will help refugees, internally displaced persons and needy civilians in Nagorno Karabagh. This is the first time this has been approved by Congress and signifies the beginning of U.S.-administered assistance programs to Nagorno Karabagh.

Earlier this year, I became the first Member of the U.S. Congress to address the Parliament of Nagorno Karabagh, and I expressed regret that the United States had disengaged itself from the courageous people of Karabagh. But this legislation provides a welcome change.

In addition, the bill provides us with $87.5 million for the Republic of Armenia, a former Soviet republic that is making huge strides in terms of democracy and market economy, but still needs our help.

While I am pleased that the bill retains the ban on government-to-government economic aid to Azerbaijan, I regret that the legislation carves out several major exemptions for OPIC, the Overseas Private Investment Corporation, to provide political risk insurance to U.S. companies investing in Azerbaijan, and for TDA, the Trade Development Agency, funding for feasibility studies and other related economic development projects.

The ban on direct aid to Azerbaijan, section 907 of the Freedom Support Act of 1997, is an important law, passed to encourage Azerbaijan to lift its blockades of Armenia and Nagorno Karabagh. Azerbaijan has not complied with the basic condition of section 907, lifting the blockades, so the sanctions should not be relaxed.

While I regret the exemptions to section 907 that have been carved out, I appreciate the fact that the conferees resisted the strong pressure to repeal section 907 outright.

I also want to express my appreciation to the conferees for the $52.5 million discretionary fund established for

the Caucasus to restore transportation, communication and other infrastructure between the States of the Caucasus, funds to which Azerbaijan is not entitled until it complies with section 907.

I also appreciate the fact that the House conferees held out for insisting that 50 percent of the aid to Turkey be provided through nongovernmental organizations to promote democracy and build a civil society. American taxpayers have contributed millions to Turkey. It is only right that we should expect that country to respect some of our American values.

Finally, I want to state for the record that I regret that the bill before us relaxes some sanctions on Pakistan which were imposed because of concerns over Pakistan's nuclear proliferation activities. But I do want to thank the conferees for maintaining the prohibition on IMET assistance to Pakistan.

Overall, this is a good conference report, and I urge my colleagues to support it.

Mr. CALLAHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia, also a member of our subcommittee.

Mr. KINGSTON. Mr. Speaker, I just want to say, I think this bill has a lot of good things. It is a product of a great compromise and a lot of work.

One of the things I think is very significant and that is a debate we do not have much in our country is what is going on with the nuclear weapons stockpile in Russia. We often concentrate on a lot of issues, but we never ask ourselves as a country, as free people, what are they doing with all their nuclear arms? This bill starts to address that by withholding assistance to the Russian Government unless we know exactly what they are doing with their nuclear arsenal, and hopefully they are not selling it around the globe.

There are a lot of good things in here. It increases international narcotics control by $17 million over last year, bringing the 1998 level to $230 million.

But there are some things it does not do which have been addressed, and we look forward to working with the administration on that.

We want to address the issue of the U.N. arrearage. We think that the United Nations has taken too big of an assessment against the United States, and we want to work through that. We also want to work with this IMF funding to have stability in some of the developing countries.

We look forward to working with the administration on that and solving these problems, and we also hope the administration will work with us in making sure that none of this money goes to groups who choose to lobby for liberalization of abortion laws, and also groups who may tend to have some of their own moneys used to support abortion.

We think there are a lot of things we can get together with the administration on, and we look forward to that process. Hopefully the authorization bill that will come maybe as early as tomorrow will address this.

Mr. CALLAHAN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, I want to thank the distinguished chairman for yielding me time. Let me say I think his leadership on this issue has been nothing less than estimable, and I intend to support his bill, but I think all of us in this body have to understand that the intricacies of single-issue group politics is bedeviling our foreign policy at this time and jeopardizing the national interests of the United States.

If this Congress adjourns without passing fast track, without passing U.N. reform and arrearages, and if we do nothing about the IMF replenishment, there is a distinct possibility that tomorrow will not be the last day of this year's session. The last two issues are of vital significance this week, and we may well be called back into a special session. This Member would support it.

The fact of the matter is we need to address the U.N. at this time. We need to address international economic circumstances as implied in the IMF. I am hopeful we will do so.

□ 2300

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

I too want to associate myself with the remarks of the gentleman from Iowa [Mr. LEACH] in regard to the IMF replenishment and the U.N. arrearages. I hope that before this Congress adjourns, that those issues will be appropriately addressed and successfully addressed.

I believe that our chairman, the gentleman from Alabama [Mr. CALLAHAN], as I mentioned, has provided great leadership in this legislation, which is almost a match of the administration's request in terms of funding in order to promote U.S. global leadership, promote our exports, maintain the peace, alleviate poverty, and to maintain the peace, I think I said that twice, but it deserves mentioning more than one time.

Mr. Speaker, in the interests of time, we are not going to hear from all of the Democrats on the committee, but I want to acknowledge the distinguished service of the gentleman from Illinois [Mr. YATES] and the gentleman from California [Mr. TORRES], who did not speak, in addition to the gentleman from Wisconsin [Mr. OBEY] and the gentlewoman from New York [Mrs. LOWEY].

But I know I speak for them and our Republican colleagues on the committee when I extend our best wishes to the gentleman from Pennsylvania [Mr. FOGLIETTA], a member of our subcommittee who today left our committee and was sworn in as the U.S. Ambassador to Italy. I think every Member of this House is very proud of the service of Mr. FOGLIETTA here, wishes him much success in his new endeavor personally, and especially for our great country.

With that, I urge our colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. CALLAHAN. Mr. Speaker, it is my intention in just a second to yield back, but I yield myself such time as I may consume to briefly explain that the President requested $16.8 billion, and the House passed $12.26 billion. The Senate sent us a message of $16.8 billion, and the conference resolved it at $13.1 billion, but the net appropriation is $12.7 billion, very close to what we passed in the House.

Some of the remarks that were made about the IMF, as well as the U.N. problem, have great merit and I do not deny that. But once again, this is the foreign operations appropriation bill. We are cutting the President's request by $4 billion. That is basically where we were. At this time, Mr. Speaker, I ask for a favorable vote.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise in support of the Foreign Operations Appropriations bill for two main reasons.

First, the appropriation for Israel will help to insure the survival of this thriving democracy in the Middle East. No other country has greater ties to America.

Second, I am pleased that Armenia will benefit from this legislation by increased recognition of its importance to the United States and support by our country.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

Pursuant to clause 5 of rule I, further proceedings on this question will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2777

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2777.

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

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–403) on the resolution (H. Res. 324) providing for consideration of the Senate amendments to the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 324 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 324

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes, with Senate amendments thereto, and to consider in the House, any rule of the House to the contrary notwithstanding, a single motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment to the text with the amendment printed in the report of the Committee on Rules accompanying this resolution and disagree to the Senate amendment to the title. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Appropriations. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, while considering the final appropriations bills, the Senate rolled the Commerce, State, Justice appropriations bill and the Foreign Operations appropriations bill into the D.C. appropriations bill and, therefore, created an omnibus appropriations bill.

The House amendment we will consider tonight strikes all provisions out of the omnibus appropriations bill, except for the District of Columbia, and amends that bill with the recommendation of the House Committee on Appropriations.

The rule provides for a single motion by the Chairman of the Committee on Appropriations, or his designee, to concur in the Senate amendment to the text, any rule of the House to the contrary notwithstanding, with the amendment printed in the Committee on Rules report and disagree to the Senate amendment to the title.

The rule further provides that the Senate amendments to the House bill and the motion are considered as read. The motion is debatable for 1 hour equally divided and controlled by the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, and the ranking minority member of the Committee on Appropriations.

There is little argument that the District of Columbia is in bad shape. The city suffers from deteriorating infrastructure, high crime rates, a shrinking population, and poor services. We must take bold steps to reform the way this city operates so that it can again take its place among the great cities of the world.

As a former mayor, I know the challenges that come with running a city. It will not be easy to reform, but we must start now.

I was very supportive of the bill that originally passed in the House. I believe that it contains some tough language that will go a long way to changing the face of our Nation's Capital. The bill met with stiff resistance and has been replaced.

This is a good rule. It allows us to debate D.C. appropriations as a single issue, rather than as part of an omnibus package. We need to take a step toward restoring some of the luster our Nation's Capital city has lost in recent years.

Mr. Speaker, I urge my colleagues to support the rule, and I look forward to the debate about the future of our Nation's Capital.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is late in the day and it is late in the session. We are now 43 days into fiscal year 1998 and it is high time that we finish our business for the year. With any luck, we will be able to finish the District of Columbia appropriations this evening, leaving only 1 other appropriations bill outstanding.

The Republican majority has finally seen the light and has given up for the time being, at least, its desire to use the District and its residents as a grand experiment in Republican social engineering on school vouchers.

As I said, Mr. Speaker, it is late in the day and it is late in the session. It is time for the Republican majority to govern. It is time to stop using appropriations to move a legislative agenda that is not supported by a majority of the American people.

Mr. Speaker, the negotiating process on District of Columbia appropriations has resulted in creating a bill which is vastly superior to the product originally passed by 1 vote in the House. I will support this rule only because the bill passed by the Senate and the amendment which is now being recommended as a further amendment address the issues of providing the Federal payment to the District of Columbia, the Nation's Capital, and not the Republican social agenda. It is unfortunate, however, that it has taken this long to reach this point.

Mr. Speaker, because it is late, I will reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Speaker, let me just note, I have further comments in my revisions, but I am happy we have gotten to this point. It has taken a long time. The city of Washington has had to borrow money during the time that we have not been able to move forward with the appropriation, but with a lot of work of people on both sides of the aisle we have come to the conclusion this evening that we have an appropriation bill that I am proud to support.

I want to thank my ranking member of the authorizing committee, the gentlewoman from the District of Columbia [Ms. NORTON], and the gentleman from Virginia [Mr. MORAN], who have worked very closely with us on appropriations to bring this to where it is tonight. The city needs this money. We have an appropriations bill that I would urge all of my colleagues to support.

Our Nation's capital desperately needs this budget bill to be enacted now. Failure to do so would have major negative consequences.

Failure to pass this budget now would cause the District of Columbia to slide even further backward.

Failure to pass this budget now would be reckless and tragic. This is especially so because this Congress and the last Congress have done so much to get the Nation's Capital on the right track.

To defeat the bill at this point would risk doing irreparable harm to our fundamental goals of reform and revitalization of our Nation's Capital.

It is wrong to gamble with the lives of millions in this region who depend on an orderly budget process.

We all know of the D.C. Revitalization Act which passed this Congress as part of the Balanced Budget Act of 1997. Strong management reform measures, Medicaid changes and tax incentives were included as well in that enactment and in the equally Historic Tax Reform Act of 1997. To have enacted such significant reforms, and to see them signed by the President, is a legislative accomplishment we can all take pride in helping to achieve.

With patience and perseverance the reforms we have enacted for the District of Columbia have begun to have their intended effect.

We now have a rare opportunity, sanctioned by both Congress and the White House, to restructure and improve the complex relationship

between the Federal Government and the Nation's Capital. But time is of the essence. And we are at a moment of truth.

Many of the issues addressed in the D.C. Revitalization Act are particularly urgent and time sensitive. To take just one example, a Federal trustee must be up and running to help establish reforms in the District's prison system. Just last month the court-appointed monitor said of the medium-security facility at Lorton that "it has deteriorated to a level of depravity that is unparalleled in its troubled history."

It is tragic enough when Congress reaches an impasse in consideration of a budget for one of our executive departments. But if we are unable to enact a budget for the Nation's Capital, that real city which exists just beyond the monuments is placed at a grave risk of immediate harm. And when you consider that most of the District's budget consists of self-generated funds, it makes the spectacle of congressional delay even more difficult to explain.

Some of us have differences with various sections of the bill before us. Many have reservations which I share. But I appeal to you, as chairman of the authorizing subcommittee for the District of Columbia, to join me in voting for this budget bill so we can give the Nation's Capital a chance to survive as a city.

I am pleased that the Victims of Communism Relief Act of 1997 is incorporated in this bill and will become law. The agreement provides that Nicaraguans and Cubans who entered the United States prior to December 1, 1995, will be made eligible for lawful permanent residence provided they apply prior to April 1, 2000.

Guatemalans and Salvadorans, who filed for asylum prior to April 1, 1990, and members of the ABC class, will have their cases reviewed under the less onerous rules in existence before the 1996 Immigration Act [IIRIRA] went into effect. In addition, battered spouses and children in proceedings prior to April 1, 1997, will be processed under the pre-IIRIRA rules.

Guatemalans and Salvadorans will have their adjustments offset by reductions in the diversity and unskilled—nonagricultural—worker programs, which will not exceed 5,000 in each annually. All pending approved petitions for unskilled worker visas will be permitted to adjust under the current 10,000 cap.

Members of the defined categories of Central Americans—Salvadorans and Guatemalans—whose cases are under the jurisdiction of the post-April 1 rules, will have their claims for cancellation of removal adjudicated under the more generous standard of 7 years continuous residence and extreme hardship, not subject to the 4,000-person cap.

All Guatemalans and Salvadorans who meet the eligibility requirements stated above will be exempted from the stop time rule, as interpreted by the Board of Immigration Claims' N–J–B ruling. Individuals not within these categories will be subject to the stop-time rule.

Refugees from the former Warsaw Pact nations will have their cases governed according to the same rules which will apply for Guatemalans and Salvadorans.

Mr. Speaker, many Central Americans have made a positive impact in our community in northern Virginia. The inclusion of this legislation in the D.C. appropriation bill will bring a measure of justice to thousands who have fled oppression in their native land to seek the freedom and opportunity offered in this Nation.

Mr. FROST. Mr. Speaker, I yield 7 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to oppose this rule. I think it is an unfair rule, and this Congress should know why I think that way.

I went to the Committee on Rules tonight to see if I could get an amendment ruled eligible for the floor which would have turned around an injustice which is in this bill. I think what Congress sees in this bill is what happens when legislators, people in Congress, make rules on appropriations bills. It is always a disaster when that happens, and it is too bad that this particular amendment on immigration, a situation that is so very direly needed in this country, was placed on an appropriations bill, and a very important appropriations bill, for the District of Columbia. The District of Columbia has been bandied about in this Congress. I think it is high time we put the kind of precedence and the kind of attention on this particular bill that it should receive.

Now, while I do not oppose the District of Columbia's appropriations bill being passed, I do not oppose the Nicaraguans getting their amnesty on this bill, and I do not oppose the Central Americans getting their amnesty, but what I do reject is the idea that the Haitians in this country that came here under the same credible fear of persecution as the Nicaraguans and the Central Americans and the Cubans are now left out of this particular bill.

I am being told that, number 1, the Haitians were never to be considered. They were not a part of the agreement. As a matter of fact, I have substantive proof to show that they were not a part of the agreement. We lobbied very hard to try to get them included. It is never too late for this Congress to do the right thing.

But there is something that perplexes me, which is, why is it that always when communities of color come up in immigration, they are always overlooked or there is always some excuse as to why they were not in the original agreement? I am asking this Congress, why? That is why I am opposing this rule, because this rule is unfair. Why have Nicaraguans, Cubans, Guatemalans, and Salvadoreans, who will live next door to each other in some of our communities, one will get a green card and the others cannot. One could seek citizenship after 4 to 5 years; the others cannot. Is that fair? My answer is no, it is not fair. It is another step of unfairness in this country.

The reason that it is so unfair is we allow it to happen. We allow these kinds of things to come in on an appropriations bill. We allow the unfairness to be so dominant in the kinds of decisions we make here. If we were fair, that amendment would have never passed the Senate, it would never have come over here. If we were fair, the Haitians would have been given the same time for amnesty as Nicaraguans and others.

I have fought very hard on this floor, Mr. Speaker, for Cubans, for Hispanics, for Latinos in this country. I think it is a slap in the face to the Black Caucus and to the other caucuses which have stood so steadily behind all of the bills that the Cuban Members of this Congress brought here, yet we could not receive any support to include the Haitians. It is wrong, and I will always say it. It is wrong, and we should turn it around.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman for yielding.

I also thank her for her commitment to this endeavor and for her leadership that she has demonstrated on behalf of those that she, myself, the gentlewoman from Florida [Ms. BROWN], and countless others in this Congress are supportive of receiving the same consideration as others have under this particular measure.

Reluctantly, I rise in opposition to the rule. Like the gentlewoman from Florida [Mrs. MEEK], said, I will support the ultimate bill because I feel that it is no more than fair to the District of Columbia that has been burdened in an equivalent manner, and in my view has not been treated as fairly as they should be. But all the gentlewoman from Florida [Mrs. MEEK] sought in the Committee on Rules was an amendment that would allow for an up-or-down vote on whether or not the Haitian refugees, particularly those that came through Guantanamo, would receive the same consideration as everyone else.

Neither the gentlewoman from Florida [Mrs. MEEK] nor I take any back seat to supporting all of the efforts of those who we represent in south Florida. I support Nicaraguans, and I think that they should receive an amnesty that they have received. I support Central Americans, and I think that they should receive the amnesty that they are going to be able to apply for and receive. I even support Eastern Europeans and think that it is appropriate that this Nation, the beacon for freedom and fairness, would offer them an opportunity to seek amnesty under appropriate circumstances. However, I totally reject the notion that those that we made a commitment to, that we are

not fair enough to continue our efforts to ensure that that commitment is kept.

□ 2315

Once again, I thank the gentlewoman from Florida [Mrs. MEEK] and will vote to reject the rule for the reason that she will reject it, in her efforts to make a simple amendment that asks for nothing but fairness.

Mrs. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will say in the end that this is an unjust and unfair rule. It is a rule which overlooks the equalness and equality which we push in this country. Having supported every effort to bring about equality in this country for immigrants and everyone else, I reject any statement. That is why I am voting against the rule.

I call on the Members of this Congress who believe in fairness and equity for all immigrants, not just one particular set, to reject this rule, to send a message to the Republicans that they do not choose certain immigrants because they go by the same ethnicity as they do to include in a bill. It is not fair, and it will show an unfairness for the majority party.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I had the privilege of working on the education provisions of this legislation. I would like to personally thank the chairman, the gentleman from North Carolina, Mr. CHARLES TAYLOR, and ranking minority member, the gentleman from Virginia Mr. JIM MORAN, who not only listened but was cooperative and worked very closely with the committee.

I would also like to thank and I think D.C. and this body owes a great deal of gratitude to Gen. Julius Becton, who has taken on almost an impossible task of cutting through not only economic problems but the political problems of D.C. schools. He has worked tirelessly in changing some of the rules and in helping children in the District. I would like to commend General Becton.

Mr. Speaker, what education provisions are in the bill? It provides $3.3 million for public charter schools, that is good within this bill, but it also adds money for the public schools. The gentleman from Virginia [Mr. MORAN] fought for these provisions along with Republicans, and we find that it is in the best interests and will help.

There is a technical improvement to the D.C. charter schools. There are about four of them. I will not belabor them, but I think these provisions will actually help. It was done on a bipartisan basis, both Republicans and Democrats. The National Education Association will finally pay its fair share of taxes, which is about $1.1 million a year that will go to help D.C. schools. We helped with that.

One of the things that I am saddened by, Mr. Speaker, is that union bosses once again prevailed in stopping and preventing the aid to children in schools within D.C. by waiving Davis-Bacon. The average age of D.C. schools, the average age, is 86 years old, Mr. Speaker, 86 years. The roofs were so bad, schools were delayed. The fire codes are so bad that it was not even placed in the fire department, it is in the hands of a judge.

Yet, union bosses prevented saving up to 25 percent on school construction by giving the school construction authority the ability to waive Davis-Bacon. Once again, the unions chose to line their pockets rather than come to the aid of children. I think that is sickening, Mr. Speaker. It is something that we need to change.

The D.C. Student Opportunities Scholarship, which is not included in this, which my friend said is a Republican strategy or social strategy, is going to be in a freestanding bill to where he can vote up or down on it. Only a liberal would say that he does not want to help education and children have a choice of where they could go.

There is no pay raise for properly credentialed teachers, which we felt was important.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Speaker, I want to suggest to the gentleman from California who just spoke, when he was praising General Becton, he used the term, "I would like to command General Becton." I think he may want to correct the RECORD. I suspect he meant "commend General Becton." I might like to command him, but I note that he may want to catch that in the RECORD.

Either way, I agree with the gentleman that General Becton is doing a fine job in a very difficult situation with the D.C. school system, and this bill helps that situation. It will be a long time before we correct all of D.C.'s problems, but certainly this is a step forward. That is why I rise in support of this rule.

I do not disagree with the gentlewoman from Florida [Mrs. MEEK] about the fact that Haitian refugees should get fair, comparable treatment to Central American and Cuban refugees. She argues about something that is not in the rule that she wants in the rule. I do not disagree with the issue, but I do think that this rule should be supported.

We need to get on with the business of providing the necessary funds for the District of Columbia. They are facing a financial crisis. So let us get this rule passed. I find nothing objectionable in it as it pertains to the District of Columbia, and I will address the substance of the bill when the bill is brought up. I do urge a "yes" vote on the rule.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Florida, Mr. LINCOLN DIAZ-BALART.

Mr. DIAZ-BALART. Mr. Speaker, with regard to the legislation on immigration that is included in this appropriations bill, I think it is important to point out that it is historic. It is in the great generous and compassionate tradition of the United States.

The process behind the Central American relief legislation began in July of this year, in June and July of this year, after a commitment by President Clinton to the Central American Presidents during a summit in Costa Rica, and also a commitment by the Speaker of the House, Speaker GINGRICH, after a visit to south Florida, precisely commenting on this issue.

The legislation was drafted after serious consultation with the National Security Council and the Department of Justice. It was drafted to prevent the deportation of Nicaraguans and also of Guatemalans and Salvadorans, known as the ABC class, that were denied suspension of deportation by the retroactivity of the Immigration Reform Act that was passed last year.

I want to point out, I would like to point out, Mr. Speaker, that passage of this language, which is included in the District of Columbia appropriations bill, will not in any way hinder efforts to seek similar relief for Haitian refugees in other legislative measures.

Last week, Senator MOSELEY-BRAUN in the Senate put a hold on the Senate D.C. appropriations bill because of the Haitian issue. She lifted her objection after the Attorney General and the White House agreed to provide administrative relief to the Haitian community while Congress considers a legislative remedy.

The agreement reached between the Senator and the administration provides that the President will authorize the Attorney General to temporarily suspend the deportation of Haitians while Congress considers legislation to provide relief to the Haitian community in the United States.

The bill has already been introduced in the Senate by Senator BOB GRAHAM and Senator CONNIE MACK and others, including Senator ABRAHAM, and a House companion bill has been dropped, to my understanding, by the gentleman from Michigan [Mr. CONYERS]. I have agreed to be a cosponsor of that bill, as I have always been a cosponsor of legislation by the gentlewoman from Florida [Mrs. MEEK] on this issue of our Haitian brothers and sisters.

Mr. Speaker, I will request and insist upon hearings not only in the Senate

on this legislation but in the House as well and on the basis of this White House agreement of Senator MOSELEY-BRAUN where she lifted her hold and the Senate passed the D.C. appropriations bill by voice vote.

Mr. Speaker, I support, as I always have, the efforts to seek justice for our Haitian brothers and sisters. My distinguished friend, the gentlewoman from Florida [Mrs. MEEK], knows that. I will continue doing so. So as I recommit to do all I can to help our Haitian friends, I seek justice and commend the Speaker and all of those who have been involved, Mr. SMITH, as well as the leaders in the Senate, Senator ABRAHAM and Senator MACK and Senator BOB GRAHAM and others, who have worked on this.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, am I understanding the gentleman correctly that we have his commitment that he will push to ensure that the Haitians receive the same consideration that the Nicaraguans have?

Mr. DIAZ-BALART. Yes.

Mr. HASTINGS of Florida. Mr. Speaker, while the gentleman is answering it, would he be so kind as to tell me, was it not equally possible that we could have included the Haitians in this particular measure?

Mr. DIAZ-BALART. The gentleman is aware of the fact that in the negotiations that led to this legislation, Mr. SMITH made what I consider to have been a very good faith offer with regard to the Haitians. The gentlewoman from Florida [Mrs. MEEK] was of the opinion that that was not something that should be finalized in the terms that were offered.

But yes, my commitment is there, my distinguished friend, with regard to pushing this issue further.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I rise to ask for a vote, a positive vote, on the rule on a bipartisan basis.

Mr. Speaker, this is the last appropriation out. By all rights, it should have been the first, considering the condition of the District of Columbia and considering that there is only a token amount of Federal funds. I am coming to this floor to ask permission to spend my own money. I do not know what the rest of the Members would do if they had to do this.

This is a caboose appropriation held up in the Senate, as Members have heard, over an issue completely unrelated. I could not be more in sympathy with the gentlewoman from Florida [Mrs. MEEK]. If my appropriation has been treated regrettably, she has been treated most unfairly, and I pledge to her that I will do all in my power to monitor this matter to see that the compromise that has been achieved is carried out and to see that full justice is done in legislation when we return.

This bill has been cleansed of the issues that would have gotten a veto. Some of them would have been micromanagement of the District. Others would have been ideological issues.

We have gone from micromanaging the District to micromanaging the Control Board. We have to stop that. The Control Board is not above criticism, and I have been among its critics, but the fact is that these are five distinguished people working for no pay who are trying to do an almost impossible job. We ought to reinforce them, unless they get way off the mark. We are not close enough to take what they do and unravel it dollar by dollar.

All sides need to talk and negotiate before the appropriation period, rather than waiting for the appropriation to try to reform the District of Columbia. If Members want to have meaningful participation in the reform and restructuring of the District, let the Committee on Appropriations, the subcommittee, the authorizing subcommittee, the Control Board, and the District sit down and work out their problems before they get to this floor.

Home Rule? Yes, that is one reason this bill must be supported, because it has the support of the District of Columbia, which worked hard to please the Congress in what it has achieved, but it also must be supported because this bill is, in fact, an efficient and reliable way to move the District forward.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, our colleagues, the gentlewoman from south Florida, Mrs. CARRIE MEEK, and the gentleman from Florida, Mr. ALCEE HASTINGS, have done a formidable job of defending our community, especially the immigrant community, after their many years of dedicated service.

All of us in the south Florida congressional delegation have the great privilege of representing various pockets of the immigrant community, and we try to help all of those communities whenever we can. I commend my colleagues, the gentlewoman from Florida [Mrs. MEEK] and the gentleman from Florida [Mr. HASTINGS], for their leadership. It is because of their firm belief in fairness that my other colleague, the gentleman from Miami, FL [Mr. DIAZ-BALART], and I are going to join with them in working with our Florida Senators, CONNIE MACK and BOB GRAHAM, to get fair treatment for the Haitians.

In January when we come back to debate the new bills, we will continue working with our south Florida colleagues and our Florida Senators to see that the Guantanamo Haitians get the fair treatment that they deserve.

I visited the Guantanamo base in Cuba while the Haitians were there, I know of their plight. It was a great honor for me when I first came to Congress to represent the community of little Haiti. It is a wonderful law-abiding community, and I have supported and will continue to support the gentlewoman from Florida [Mrs. MEEK] in cosponsoring her bill. We have worked with the White House to work out this compromise that no deportations will be taking place while the legislation moves through the proper procedures in the House and the Senate.

□ 2230

However, the bill before us now does save many thousands of lives from the immigration limbo that they are facing, the deportation that has been dividing many communities.

Therefore, I urge my colleagues to support the rule and move this legislation forward, which is going to help so many immigrants. And we look forward to continuing in the new session in supporting other immigrants as well.

As an immigrant myself, as a political refugee who sought freedom and democracy, I know what this country stands for, and I know the beliefs that have brought us here still linger in our hearts. And we practice them every day. So I look forward to working with my colleagues to see this come true.

Mr. FROST. Mr. Speaker, I would inquire of the time remaining on each side.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas [Mr. FROST] has 19 minutes remaining. The gentlewoman from North Carolina [Mrs. MYRICK] has 18½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, we find ourselves in a rather unfortunate situation. This is the most cynical kind of public policy-making that I have ever witnessed. I cannot understand for the life of me why the Haitians would have been left out from consideration.

As I understand, the Immigration and Naturalization Service reports that, as of September 30, 1996, applications for asylum were pending for about 18,000 Haitians, 21,000 Nicaraguans, 118,000 Guatemalans, and 191,000 Salvadorans.

How can they just drop the Haitians? It does not make good sense, and then they place it on the D.C. appropriations, where we are desperate to try and get a little justice for the District of Columbia, and they pit people against each other in the most unfair way. There is no rational reason for it. They should not put the gentlewoman from Florida [Mrs. MEEK] in the position of standing up here asking for a no vote on the rule for the District of Columbia, when they know how desperate

the gentlewoman from the District of Columbia [Ms. NORTON] is. As a matter of fact, if they had any decency at all, they would pull this rule from the floor and go back and put the Haitians in.

These Haitians were promised. I have got letters here from Haitians whose parents were killed right before their eyes. They are seeking asylum because they were under political massacre from the Haitians down there. And my colleagues would stand here and allow this situation to develop. This is unconscionable. It is unreasonable. It is unfair. It is unjust. It is unkind. It is everything that I can think of when I look at what they are doing.

I cannot stand hear and say, do not support the D.C. rule. At the same time, we have these Representatives from Florida who are sitting here in pain because of what they are doing. The gentleman from Florida [Mr. DIAZ-BALART] and the rest of my colleagues who negotiated this deal, they should stand up like men and women and undo it now and do the right thing.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member very much for his kindness.

Let me, first of all, thank the hard work of the gentlewoman from the District of Columbia [Ms. NORTON] and the gentleman from Virginia [Mr. DAVIS] and the gentleman from Virginia [Mr. MORAN] for working so hard on the D.C. appropriations bill and particularly the charter school effort that I think will help our children in the District of Columbia.

I heard a colleague mention the need for money for construction and accusing unions of taking monies out of the children of the District of Columbia. If my Republican colleagues had voted for the $5 billion infrastructure addition to the budget, we might have had those dollars for the D.C. schools. More importantly, I think it should be well known that this is D.C. money and not our money, and all we are doing is tying it up and not spending it.

Let me move quickly to the Haitian question, because I join my colleagues in a great deal of dissatisfaction with the committee for not allowing this particular amendment of the gentlewoman from Florida [Mrs. MEEK] to be drawn to this rule that would allow the Haitians to be included in the privilege and waiver of allowing them to stay and continue their process of application. This is, of course, a discriminatory process, even though I applaud the White House and Attorney General for the administrative process that will allow them to stay in and the hearings of my colleague the gentleman from Michigan [Mr. CONYERS] and the work of the gentleman from North Carolina [Mr. WATT], who is the chair of the Subcommittee on Immigration and Claims.

As a member of the House Committee on the Judiciary, I think this is an unpardonable sin. The Haitians deserve the same kind of freedom and opportunity that other immigrants deserve when they come to this country. Now 11,000 immigrants will be separated from their families. Who is to say that there is not persecution in Haiti as there is in Nicaragua and Guatemala?

I support what has happened to the Nicaraguans' and the Guatemalans' country for freedom. We always have supported this in a combined effort to support those who come here to this country for freedom. My question to my colleagues is, how can you deny this to Haitians? How can you stand up here and separate immigrants who have come here for freedom?

I would ask that this rule be denied and voted down, not because I do not support the District of Columbia, because it is their money, but because they do not even allow the immigrants that are Haitians that come to this country for freedom to get the same privileges of those that are getting the privilege.

I ask for my colleagues to consider the disparate treatment being given to Haitians in this country.

Mrs. MYRICK. Mr. Speaker, I would like to inquire of my colleague the gentleman from Texas [Mr. FROST] how many speakers he has left.

Mr. FROST. Mr. Speaker, at this point, we have one speaker remaining.

Mrs. MYRICK. Mr. Speaker, I do not have any more speakers, so I reserve my time.

Mr. FROST. Mr. Speaker. I yield 3 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding me the time.

I, too, am one who is pleased that there was progress with the D.C. appropriations bill. It is certainly true that the District of Columbia needs the funding. I wish I could stand here and tell my colleagues that we should pass this rule and get on with our business, but I cannot because of many of the reasons that have been stated by some of my colleagues, especially from Florida, with regard to a particular provision which was added to this appropriation bill that really does not have anything to do with D.C. appropriations but, nonetheless, was added.

Let me quote for my colleagues from a letter of the President of the United States of November 4, 1997, where he said with regard to the issue affecting immigrants, principally from Central America and the Haitian community, that he was trying, through the legislation he had provided Congress to work on, he was seeking fair and equitable treatment for these individuals from these countries in Central America and Haiti. He goes on to say, "I am concerned, however, that this legislation, unlike my original proposal, inappropriately distinguishes among nationals from different countries, including those from Central America. It requires continued retroactive application of certain provisions in the 1996 immigration law and does not allow for an adequate transition to the law's new rules. Accordingly, the Congress should provide for a fair resolution of these issues." He goes on to say, "In addition, I strongly urge the Congress to provide to Haitians treatment similar to that provided to Central Americans."

What the President was speaking of was the change from his legislation that came to Congress and was being sponsored by certain Members in the House and the Senate and what is now in this appropriation bill, which is much different from what the President first proposed.

As Cardinal Law from Massachusetts said, "We are putting these immigrants through 'emotional torture'." Cardinal Law goes on to say, "The United States must provide for equitable treatment to Nicaraguans, Salvadorans, and Guatemalans, as well as justice for Haitians, in emerging immigration legislation."

Mr. Speaker, what a number of us are saying here today is that, when we had a chance to put forth equity, when we had a chance to right the wrongs of last year's immigration law, when we had a chance to show that we respect and dignify people who come to this country to escape persecution and to start a new life, we failed. We failed because we were able to do a great amount for some, and I am very pleased that the Nicaraguans will have a chance to say that they will receive amnesty, but we did not do it for any other Central American constituency similarly situated.

The Salvadorans and the Guatemalans are in no different condition than the Nicaraguans, yet they are being treated differently. And the Haitians are completely shut out of this legislation. That is wrong. We could have cured this. We do not need to wait for future legislation to deal with this. We could have done it today, and we did not.

That is the shame of this bill that we have before us. That is why, unfortunately, some of us have to stand here and say that it is better to vote no on the rule than yes.

Mr. FROST. Mr. Speaker, we have no additional speakers at this time. I ask, is the gentlewoman from North Carolina [Mrs. MYRICK] going to yield back her time at this point?

Mrs. MYRICK. Mr. Speaker, yes, I am.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LIVINGSTON. Mr. Speaker, pursuant to House Resolution 324, I call up the bill (H.R. 2607) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1998, and for other purposes, namely:

DIVISION A—DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—FISCAL YEAR 1998 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR MANAGEMENT REFORM

For payment to the District of Columbia, as authorized by section 11103(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33, $8,000,000, to remain available until September 30, 1999, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority and shall be disbursed from such escrow account pursuant to the instructions of the Authority only for a program of management reform pursuant to sections 11101–11106 of the District of Columbia Management Reform Act of 1997, Public Law 105–33.

FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE NATION'S CAPITAL

For a Federal contribution to the District of Columbia toward the costs of the operation of the government of the District of Columbia, $190,000,000, which shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year: Provided, That these funds may be used by the District of Columbia for the costs of advances to the District government as authorized by section 11402 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33: Provided further, That not less than $30,000,000 shall be used by the District of Columbia to repay the accumulated general fund deficit.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For payment to the District of Columbia Corrections Trustee, $169,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE FOR CORRECTIONAL FACILITIES, CONSTRUCTION AND REPAIR

For payment to the District of Columbia Corrections Trustee for Correctional Facilities, $302,000,000, to remain available until expended, of which not less than $294,900,000 is available for transfer to the Federal Prison System, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

CRIMINAL JUSTICE SYSTEM

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding any other provision of law, $108,000,000 for payment to the Joint Committee on Judicial Administration in the District of Columbia for operation of the District of Columbia Courts, including pension costs: Provided, That said sums shall be paid quarterly by the Treasury of the United States based on quarterly apportionments approved by the Office of Management and Budget, with payroll and financial services to be provided on a contractual basis with the General Services Administration, said services to include the preparation and submission of monthly financial reports to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives; of which not to exceed $750,000 shall be available for establishment and operations of the District of Columbia Truth in Sentencing Commission as authorized by section 11211 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

Notwithstanding any other provision of law, for an additional amount, $43,000,000, for payment to the Offender Supervision Trustee to be available only for obligation by the Offender Supervision Trustee; of which $26,855,000 shall be available for Parole, Adult Probation and Offender Supervision; of which $9,000,000 shall be available to the Public Defender Service; of which $6,345,000 shall be available to the Pretrial Services Agency; and of which not to exceed $800,000 shall be transferred to the United States Parole Commission to implement section 11231 of the National Capital Revitalization and Self-Government Improvement Act of 1997.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $105,177,000 (including $84,316,000 from local funds, $14,013,000 from Federal funds, and $6,848,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That $240,000 shall be available for citywide special elections: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $120,072,000 (including $40,377,000 from local funds, $42,065,000 from Federal funds, and $37,630,000 from other funds), together with $12,000,000 collected in the form of BID tax revenue collected by the District of Columbia on behalf of business improvement districts pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (Bill 12–230).

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $529,739,000 (including $510,326,000 from local funds, $13,519,000 from Federal funds, and $5,894,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan

Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That not less than $2,254,754 shall be available to support a pay raise for uniformed firefighters, when authorized by the District of Columbia Council and the District of Columbia Financial Responsibility and Management Assistance Authority, which funding will be made available as savings achieved through actions within the appropriated budget: Provided further, That, commencing on December 31, 1997, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $672,444,000 (including $530,197,000 from local funds, $112,806,000 from Federal funds, and $29,441,000 from other funds), to be allocated as follows: $564,129,000 (including $460,143,000 from local funds, $98,491,000 from Federal funds, and $5,495,000 from other funds), for the public schools of the District of Columbia; $8,900,000 from local funds for the District of Columbia Teachers' Retirement Fund; $3,376,000 from local funds (not including funds already made available for District of Columbia public schools) for public charter schools: Provided, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: Provided further, That $400,000 be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That if the entirety of this allocation has not been provided as payment to one or more public charter schools by May 1, 1998, and remains unallocated, the funds shall be deposited into a special revolving loan fund to be used solely to assist existing or new public charter schools in meeting startup and operating costs: Provided further, That the Emergency Transitional Education Board of Trustees of the District of Columbia shall report to Congress not later than 120 days after the date of enactment of this Act on the capital needs of each public charter school and whether the current per pupil funding formula should reflect these needs: Provided further, That until the Emergency Transitional Education Board of Trustees reports to Congress as provided in the preceding proviso, the Emergency Transitional Education Board of Trustees shall take appropriate steps to provide public charter schools with assistance to meet all capital expenses in a manner that is equitable with respect to assistance provided to other District of Columbia public schools: Provided further, That the Emergency Transitional Education Board of Trustees shall report to Congress not later than November 1, 1998, on the implementation of their policy to give preference to newly created District of Columbia public charter schools for surplus public school property; $74,087,000 (including $37,791,000 from local funds, $12,804,000 from Federal funds, and $23,492,000 from other funds) for the University of the District of Columbia; $22,036,000 (including $20,424,000 from local funds, $1,158,000 from Federal funds, and $454,000 from other funds) for the Public Library; $2,057,000 (including $1,704,000 from local funds and $353,000 from Federal funds) for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That not less than $1,200,000 shall be available for local school allotments in a restricted line item: Provided further, That not less than $4,500,000 shall be available to support kindergarten aides in a restricted line item: Provided further, That not less than $2,800,000 shall be available to support substitute teachers in a restricted line item: Provided further, That not less than $1,788,000 shall be available in a restricted line item for school counselors: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1998, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,718,939,000 (including $789,350,000 from local funds, $886,702,000 from Federal funds, and $42,887,000 from other funds): Provided, That $21,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $241,934,000 (including $227,983,000 from local funds, $3,350,000 from Federal funds, and $10,601,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: Provided further, That $3,000,000 shall be available for the lease financing, operation, and maintenance of two mechanical street sweepers, one flusher truck, five packer trucks, one front-end loader, and various public litter containers: Provided further, That $2,400,000 shall be available for recycling activities.

FINANCING AND OTHER USES

Financing and other uses, $454,773,000 (including for payment to the Washington Convention Center, $5,400,000 from local funds; reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); and sections 723 and 743(f) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $384,430,000 from local funds; for the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,020,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)(1); for payment of interest on short-term borrowing, $12,000,000 from local funds; for lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,923,000 from local funds; for human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, $6,000,000 from local funds); for equipment leases, the Mayor may finance $13,127,000 of equipment cost, plus cost of issuance not to exceed two percent of the par amount being financed on a lease purchase basis with a maturity not to exceed five years: Provided, That $75,000 is allocated to the Department of Corrections, $8,000,000 for the Public Schools, $50,000 for the Public Library, $260,000 for the Department of Human Services, $244,000 for the Department of Recreation and Parks, and $4,498,000 for the Department of Public Works.

ENTERPRISE FUNDS

ENTERPRISE AND OTHER USES

Enterprises and other uses, $15,725,000 (including for the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,467,000 (including $2,135,000 from local funds and $332,000 from other funds); for the Public Service Commission, $4,547,000 (including

$4,250,000 from local funds, $117,000 from Federal funds, and $180,000 from other funds); for the Office of the People's Counsel, $2,428,000 from local funds; for the Office of Banking and Financial Institutions, $600,000 (including $100,000 from local funds and $500,000 from other funds); for the Department of Insurance and Securities Regulation, $5,683,000 from other funds).

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For the Water and Sewer Authority and the Washington Aqueduct, $297,310,000 from other funds (including $263,425,000 for the Water and Sewer Authority and $33,885,000 for the Washington Aqueduct) of which $41,423,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES CONTROL BOARD

For the Lottery and Charitable Games Control Board, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $213,500,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

STARPLEX FUND

For the Starplex Fund, $5,936,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $97,019,000, of which $44,335,000 shall be derived by transfer from the general fund and $52,684,000 shall be derived from other funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1-711), $16,762,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), $3,332,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $46,400,000, of which $5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), $3,220,000.

CAPITAL OUTLAY

For construction projects, $269,330,000 (including $31,100,000 for the highway trust fund, $105,485,000 from local funds, and $132,745,000 in Federal funds), to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1999, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1999: Provided further, That, upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

DEFICIT REDUCTION AND REVITALIZATION

For deficit reduction and revitalization, $201,090,000, to be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as "Authority"), which shall allocate the funds to the Mayor, or such other District official as the Authority may deem appropriate, at such intervals and in accordance with such terms and conditions as the Authority considers appropriate: Provided, That these funds shall only be used for reduction of the accumulated general fund deficit; capital expenditures, including debt service; and management and productivity improvements, as allocated by the Authority: Provided further, That no funds may be obligated until a plan for their use is approved by the Authority: Provided further, That the Authority shall inform the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives of the approved plans.

GENERAL PROVISIONS

SECTION 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management, Restructuring and

the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): Provided, That for the fiscal year ending September 30, 1998 the above shall apply except as modified by Public Law 104–8.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) Notwithstanding section 422(7) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for Level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1997 shall be deemed to be the rate of pay payable for that position for September 30, 1997.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), based upon a determination by the Director that, by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1998, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1998 revenue estimates as of the end of the first quarter of fiscal year 1998. These estimates shall be used in the budget request for the fiscal year ending September 30, 1999. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 126. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1998 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 127. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 128. The University of the District of Columbia shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(5) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and

current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 129. Funds authorized or appropriated to the government of the District of Columbia by this or any other act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 130. Section 456 of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, secs. 47–231 et seq.) is amended—

(1) in subsection (a)(1), by—

(A) striking "1995" and inserting "1998";

(B) striking "Mayor" and inserting "District of Columbia Financial Responsibility and Management Assistance Authority"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(2) in subsection (b)(1), by—

(A) striking "1997" and inserting "1999";

(B) striking "Mayor" and inserting "Authority"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(3) in subsection (b)(3), by striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(4) in subsection (c)(1), by—

(A) striking "1995" and inserting "1997";

(B) striking "Mayor" and inserting "Chief Financial Officer"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(5) in subsection (c)(2)(A), by—

(A) striking "1997" and inserting "1999";

(B) striking "Mayor" and inserting "Chief Financial Officer"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight";

(6) in subsection (c)(2)(B), by striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight"; and

(7) in subsection (d)(1), by—

(A) striking "1994" and inserting "1997";

(B) striking "Mayor" and inserting "Chief Financial Officer"; and

(C) striking "Committee on the District of Columbia" and inserting "Committee on Government Reform and Oversight".

SEC. 131. For purposes of the appointment of the head of a department of the government of the District of Columbia under section 11105(a) of the National Capital Revitalization and Self-Improvement Act of 1997, Public Law 105–33, the following rules shall apply:

(1) After the Mayor notifies the Council under paragraph (1)(A)(ii) of such section of the nomination of an individual for appointment, the Council shall meet to determine whether to confirm or reject the nomination.

(2) If the Council fails to confirm or reject the nomination during the 7-day period described in paragraph (1)(A)(iii) of such section, the Council shall be deemed to have confirmed the nomination.

(3) For purposes of paragraph (1)(B) of such section, if the Council does not confirm a nomination (or is not deemed to have confirmed a nomination) during the 30-day period described in such paragraph, the Mayor shall be deemed to have failed to nominate an individual during such period to fill the vacancy in the position of the head of the department.

SEC. 132. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 133. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis as such benefits are extended to legally married couples.

SEC. 134. The Emergency Transitional Education Board of Trustees shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 135. (a) IN GENERAL.—The Emergency Transitional Education Board of Trustees of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1997, fiscal year 1998, and thereafter on a full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 136. (a) No later than October 1, 1997, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1998, whichever occurs later, and each succeeding year, the Emergency Transitional Education Board of Trustees and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Emergency Transitional Education Board of Trustees and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

SEC. 137. The Emergency Transitional Education Board of Trustees, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 138. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1998 under the caption "Division of Expenses" shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $4,811,906,000 (of which $118,269,000 shall be from intra-District funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; and

(ii) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and which are approved by the District of Columbia Financial

Responsibility and Management Assistance Authority.

(C) to the extent that the sum of the total revenues of the District of Columbia for such fiscal year exceed the total amount provided for in subsection (B) above, the Chief Financial Officer of the District of Columbia, with the approval of the District of Columbia Financial Responsibility and Management Assistance Authority, may credit up to ten percent (10%) of the amount of such difference, not to exceed $3,300,000, to a reserve fund which may be expended for operating purposes in future fiscal years, in accordance with the financial plans and budgets for such years.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as "Authority") shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1998.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor in consultation with the Chief Financial Officer of the District of Columbia during a control year, as defined in section 305(4) of Public Law 104–8, as amended, 109 Stat. 152, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

SEC. 139. The District of Columbia Emergency Transitional Education Board of Trustees shall, subject to the contract approval provisions of Public Law 104–8—

(A) develop a comprehensive plan to identify and accomplish energy conservation measures to achieve maximum cost-effective energy and water savings;

(B) enter into innovative financing and contractual mechanisms including, but not limited to, utility demand-side management programs and energy savings performance contracts and water conservation performance contracts: Provided, That the terms of such contracts do not exceed twenty-five years; and

(C) permit and encourage each department or agency and other instrumentality of the District of Columbia to participate in programs conducted by any gas, electric or water utility of the management of electricity or gas demand or for energy or water conservation.

SEC. 140. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 1998 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act, the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 141. In addition to amounts appropriated or otherwise made available, $5,000,000 is hereby appropriated to the National Park Service and shall be available only for the United States Park Police operations in the District of Columbia.

SEC. 142. The District government shall maintain for fiscal year 1998 the same funding levels as provided in fiscal year 1997 for homeless services in the District of Columbia.

SEC. 143. The District of Columbia Financial Responsibility and Management Assistance Authority and the Chief Executive Officer of the District of Columbia public schools are hereby directed to report to the Appropriations Committees of the Senate and the House of Representatives, the Senate Committee on Governmental Affairs and the Committee on Government Reform and Oversight of the House of Representatives not later than April 1, 1998, on all measures necessary and steps to be taken to ensure that the District's public schools open on time to begin the 1998–99 academic year.

SEC. 144. There are appropriated from applicable funds of the District of Columbia such sums as may be necessary to hire 12 additional inspectors for the Alcoholic Beverage Commission. Of the additional inspectors, 6 shall focus their responsibilities on the enforcement of laws relating to the sale of alcohol to minors.

SEC. 145. (a) Not later than 6 months after the date of enactment of this Act, the General Accounting Office shall conduct and submit to Congress a study of—

(1) the District of Columbia's alcoholic beverage tax structure and its relation to surrounding jurisdictions;

(2) the effects of the District of Columbia's lower excise taxes on alcoholic beverages on consumption of alcoholic beverages in the District of Columbia;

(3) ways in which the District of Columbia's tax structure can be revised to bring it into conformity with the higher levels in surrounding jurisdictions; and

(4) ways in which those increased revenues can be used to lower consumption and promote abstention from alcohol among young people.

(b) The study should consider whether—

(1) alcohol is being sold in proximity to schools and other areas where children are likely to be; and

(2) creation of alcohol free zones in areas frequented by children would be useful in deterring underage alcohol consumption.

SEC. 146. Of the amounts appropriated in this Act to the District of Columbia, funds may be expended to—

(1) hire 5 additional inspectors for the Department of Consumer and Regulatory Affairs to focus on monitoring day care centers and home day care operations; and

(2) hire 5 additional Department of Human Services monitors to focus on selecting quality day care centers eligible for public financing and monitoring safety standards at such centers.

(b) Nothing in this section shall be deemed to supersede or otherwise preempt the development and implementation of the management reform plan for the Department of Consumer and Regulatory Affairs and the Department of Human Services as authorized in the District of Columbia Management Reform Act of 1997 (Subtitle B, Title XI, Public Law 105–33).

SEC. 147. (a) SHORT TITLE; FINDINGS; PURPOSE.—

(1) SHORT TITLE.—This section may be cited as the "Nation's Capital Bicentennial Designation Act".

(2) FINDINGS.—The Senate finds that—

(A) the year 2000 will mark the 200th anniversary of Washington, D.C. as the Nation's permanent capital, commencing when the Government moved from Philadelphia to the Federal City;

(B) the framers of the Constitution provided for the establishment of a special district to serve as "the seat of Government of the United States";

(C) the site for the city was selected under the direction of President George Washington, with construction initiated in 1791;

(D) in submitting his design to Congress, Major Pierre Charles L'Enfant included numerous parks, fountains, and sweeping avenues designed to reflect a vision as grand and as ambitious as the American experience itself;

(E) the capital city was named after President George Washington to commemorate and celebrate his triumph in building the Nation;

(F) as the seat of Government of the United States for almost 200 years, the Nation's capital has been a center of American culture and a world symbol of freedom and democracy;

(G) from Washington, D.C., President Abraham Lincoln labored to preserve the Union and the Reverend Martin Luther King, Jr. led an historic march that energized the civil rights movement, reminding America of its promise of liberty and justice for all; and

(H) the Government of the United States must continually work to ensure that the Nation's capital is and remains the shining city on the hill.

(3) PURPOSE.—The purposes of this section are to—

(A) designate the year 2000 as the "Year of National Bicentennial Celebration for Washington, D.C.—the Nation's Capital"; and

(B) establish the Presidents' Day holiday in the year 2000 as a day of national celebration for the 200th anniversary of Washington, D.C.

(b) NATION'S CAPITAL NATIONAL BICENTENNIAL.—

(1) IN GENERAL.—The year 2000 is designated as the "Year of the National Bicentennial Celebration for Washington, D.C.—the Nation's Capital" and the Presidents' Day Federal holiday in the year 2000 is designated as a day of national celebration for the 200th anniversary of Washington, D.C.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that all Federal entities should coordinate with and assist the Nation's Capital Bicentennial Celebration, a nonprofit 501(c)(3) entity, organized and operating pursuant to the laws of the District of Columbia, to ensure the success of events and projects undertaken to renew and celebrate the bicentennial of the establishment of Washington, D.C. as the Nation's capital.

SEC. 148. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1-233(c)(1), D.C. Code), General Obligation Bond Act of 1998 (D.C. Bill 12-371), if enacted by the Council of the District of Columbia and approved by the District of Columbia Financial Responsibility and Management Assistance Authority, shall take effect on the date of such approval or the date of the enactment of this Act, whichever is later.

SEC. 149. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 150. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—(1) None of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except in the case of a police officer who resides in the District of Columbia).

(2) The Chief Financial Officer of the District of Columbia shall submit, by December 15, 1997, an inventory, as of September 30, 1997, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

(b) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 1998 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(c) RESTRICTING PROVIDERS FROM WHOM EMPLOYEES MAY RECEIVE DISABILITY COMPENSATION SERVICES.—

(1) IN GENERAL.—Section 2303(a) of the District of Columbia Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-624.3(a)) is amended by striking paragraph (3) and all that follows and inserting the following:

"(3) By or on the order of the District of Columbia government medical officers and hospitals, or by or on the order of a physician or managed care organization designated or approved by the Mayor.".

(2) SERVICES FURNISHED.—Section 2303 of such Act (D.C. Code, sec. 1-624.3) is amended by adding at the end the following new subsection:

"(c)(1) An employee to whom services, appliances, or supplies are furnished pursuant to subsection (a) shall be provided with such services, appliances, and supplies (including reasonable transportation incident thereto) by a managed care organization or other health care provider designated by the Mayor, in accordance with such rules, regulations, and instructions as the Mayor considers appropriate.

"(2) Any expenses incurred as a result of furnishing services, appliances, or supplies which are authorized by the Mayor under paragraph (1) shall be paid from the Employees' Compensation Fund.

"(3) Any medical service provided pursuant to this subsection shall be subject to utilization review under section 2323.".

(3) REPEAL PENALTY FOR DELAYED PAYMENT OF COMPENSATION.—Section 2324 of such Act (D.C. Code, sec. 1-624.24) is amended by striking subsection (c).

(4) DEFINITIONS.—Section 2301 of such Act (D.C. Code, sec. 1-624.1) is amended—

(A) in the first sentence of subsection (c), by inserting "and as designated by the Mayor to provide services to injured employees" after "State law"; and

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

"(r)(1) The term 'managed care organization' means an organization of physicians and allied health professionals organized to and capable of providing systematic and comprehensive medical care and treatment of injured employees which is designated by the Mayor to provide such care and treatment under this title.

"(2) The term 'allied health professional' means a medical care provider (including a nurse, physical therapist, laboratory technician, X-ray technician, social worker, or other provider who provides such care within the scope of practice under applicable law) who is employed by or affiliated with a managed care organization.".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services, supplies, or appliances furnished under title XXIII of the District of Columbia Merit Personnel Act of 1978 on or after the date of the enactment of this Act.

(d) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-601.1 et seq.), as amended by section 140(b) of the District of Columbia Appropriations Act, 1997 (Public Law 104-194), is amended by adding at the end the following new section:

"(b) Prior to February 1, 1998, each personnel authority (other than a personnel authority of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997) shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to one round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(f) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except that—

"(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977 (D.C. Code, sec. 1-2543); and

"(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) were not properly applied.

"(g) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

"(1) four years for an employee who qualified for veterans preference under this Act, and

"(2) three years for an employee who qualified for residency preference under this Act.

"(h) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

"(i) With respect to agencies which are not subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1998 or upon the delivery of termination notices to individual employees.

"(j) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this Act shall not be deemed negotiable.

"(k) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1998, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section.

"(l) In the case of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the authority provided by this section shall be exercised to carry out the agency's management reform plan, and this section shall otherwise be implemented solely in a manner consistent with such plan.".

SEC. 151. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or

shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 152. (a) CAP ON STIPENDS OF RETIREMENT BOARD MEMBERS.—Section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking the period at the end and inserting the following: ", and the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000.".

(b) RESUMPTION OF CERTAIN TERMINATED ANNUITIES PAID TO CHILD SURVIVORS OF DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS.—

(1) IN GENERAL.—Subsection (k)(5) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–622(e)) is amended by adding at the end the following new subparagraph:

"(D) If the annuity of a child under subparagraph (A) or subparagraph (B) terminates because of marriage and such marriage ends, the annuity shall resume on the first day of the month in which it ends, but only if the individual is not otherwise ineligible for the annuity.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any termination of marriage taking effect on or after November 1, 1993, except that benefits shall be payable only with respect to amounts accruing for periods beginning on the first day of the month beginning after the later of such termination of marriage or such date of enactment.

SEC. 153. (a) IN GENERAL.—The Council of the District of Columbia shall annually review and adjust the amount of the monthly assistance payment that may be made under the Temporary Assistance for Needy Families Program so that such payment is comparable with the monthly assistance payments made under such program in Maryland and Virginia counties that are contiguous to the District of Columbia.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to fiscal year 1998 and each succeeding fiscal year.

SEC. 154. Effective as if included in the enactment of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, section 517 of such Act (110 Stat. 1321–248) is amended by striking "October 1, 1991" and inserting "the date of the enactment of this Act".

SEC. 155. REQUIRING PLACEMENT OF INSPECTOR GENERAL HOTLINE ON PERMIT AND LICENSE APPLICATION FORMS.—

(1) IN GENERAL.—Each District of Columbia permit or license application form printed after the expiration of the 30-day period which begins on the date of the enactment of this Act shall include the telephone number established by the Inspector General of the District of Columbia for reporting instances of waste, fraud, and abuse, together with a brief description of the uses and purposes of such number.

(2) QUARTERLY REPORTS ON USE OF NUMBER.—Not later than 10 days after the end of such calendar quarter of each fiscal year (beginning with fiscal year 1998), the Inspector General of the District of Columbia shall submit a report to Congress on the number and nature of the calls received through the telephone number described in paragraph (1) during the quarter and on the waste, fraud, and abuse detected as a result of such calls.

SEC. 156. (a) IN GENERAL.—Notwithstanding any other provision of law (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement) or collective bargaining agreement, any payment made by the District of Columbia after the expiration of the 45-day period which begins on the date of the enactment of this Act to any person shall be made by—

(1) direct deposit through electronic funds transfer to a checking, savings, or other account designated by the person; or

(2) a check delivered through the United States Postal Service to the person's place of residence or business.

(b) REGULATIONS.—The Chief Financial Officer of the District of Columbia is authorized to issue rules to carry out this section.

SEC. 157. (a) DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.—

(1) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by section 11601(b)(2) of the Balanced Budget Act of 1997, is amended by inserting after section 204 the following new section:

"SEC. 205. DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.

"(a) IN GENERAL.—

"(1) DEPOSIT INTO ESCROW ACCOUNT.—In the case of a fiscal year which is a control year, the Secretary of the Treasury shall deposit any Federal contribution to the District of Columbia for the year authorized under section 11601(c)(2) of the Balanced Budget Act of 1997 into an escrow account held by the Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year. In establishing such terms and conditions, the Authority shall give priority to using the Federal contribution for cash flow management and the payment of outstanding bills owed by the District government.

"(2) EXCEPTION FOR AMOUNTS WITHHELD FOR ADVANCES.—Paragraph (1) shall not apply with respect to any portion of the Federal contribution which is withheld by the Secretary of the Treasury in accordance with section 605(b)(2) of title VI of the District of Columbia Revenue Act of 1939 to reimburse the Secretary for advances made under title VI of such Act.

"(b) EXPENDITURE OF FUNDS FROM ACCOUNT IN ACCORDANCE WITH AUTHORITY INSTRUCTIONS.—Any funds allocated by the Authority to the Mayor from the escrow account described in paragraph (1) may be expended by the Mayor only in accordance with the terms and conditions established by the Authority at the time the funds are allocated.".

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 204 the following new item:

"Sec. 205. Deposit of annual Federal contribution with Authority.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

(b) DISHONORED CHECK COLLECTION.—The Act entitled "An Act to authorize the Commissioners of the District of Columbia to prescribe penalties for the handling and collection of dishonored checks", approved September 28, 1965 (D.C. Code, sec. 1–357) is amended—

(1) in subsection (a) by inserting after the third sentence the following: "The Mayor may enter into a contract to collect the amount of the original obligation."; and

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

"(c) In a case in which the amount of a dishonored or unpaid check is collected as a result of a contract, the Mayor shall collect any costs or expenses incurred to collect such amount from such person who gives or causes to be given, in payment of any obligation or liability due the government of the District of Columbia, a check which is subsequently dishonored or not duly paid. In a case in which the amount of a dishonored or unpaid check is collected as a result of an action at law or in equity, such costs and expenses shall include litigation expenses and attorney's fees.

"(d) An action at law or in equity for the recovery of any amount owed to the District as a result of subsection (c), including any litigation expenses or attorney's fees may be initiated—

"(1) by the Corporation Counsel of the District of Columbia; or

"(2) in a case in which the Corporation Counsel does not exercise his or her authority, by the person who provides collection services as a result of a contract with the Mayor.

"(e) Nothing in this section may be construed to eliminate the Mayor's exclusive authority with respect to any obligations and liabilities of the District of Columbia.".

(c) CONFORMING REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Section 4(28A) of the District of Columbia Income and Franchise Act of 1947 (D.C. Code, sec. 47–1801.4(28A)) is amended to read as follows:

"(28A) The term 'Internal Revenue Code of 1986' means the Internal Revenue Code of 1986 (100 Stat. 2085; 26 U.S.C. 1 et seq.), as amended through August 20, 1996. The provisions of the Internal Revenue Code of 1986 shall be effective on the same dates that they are effective for Federal tax purposes.".

(d) STANDARD FOR REVIEW OF RECOMMENDATIONS OF BUSINESS REGULATORY REFORM COMMISSION IN REVIEW OF REGULATIONS BY AUTHORITY.—Section 11701(a)(1) of the Balanced Budget Act of 1997 is amended by striking the second sentence and inserting the following: "In carrying out such review, the Authority shall include an explicit reference to each recommendation made by the Business Regulatory Reform Commission pursuant to the Business Regulatory Reform Commission Act of 1994 (D.C. Code, sec. 2–4101 et seq.), together with specific findings and conclusions with respect to each such recommendation.".

(e) TECHNICAL CORRECTIONS RELATING TO BALANCED BUDGET ACT OF 1997.—(1) Effective as if included in the enactment of the Balanced Budget Act of 1997, section 453(c) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–304.1(c)), as amended by section 11243(d) of the Balanced Budget Act of 1997, is amended to read as follows:

"(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the Council, the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, or the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996.".

(2) Section 11201(g)(2)(A)(ii) of the Balanced Budget Act of 1997 is amended—

(A) in the heading, by striking "DEPARTMENT OF PARKS AND RECREATION" and inserting "PARKS AUTHORITY"; and

(B) by striking "Department of Parks and Recreation" and inserting "Parks Authority".

(f) REPEAL OF PRIOR NOTICE REQUIREMENT FOR FEDERAL ACTIVITIES AFFECTING REAL PROPERTY IN DISTRICT OF COLUMBIA.—Effective October 1, 1997, the Balanced Budget Act of 1997 (Public Law 105–33) is amended by striking section 11715.

SEC. 158. Notwithstanding any provision of any Federally-granted charter or any other provision of law, the real property of the National Education Association located in the District of Columbia shall be subject to taxation by the District of Columbia in the same manner as any similar organization.

SEC. 159. (a) Section 501(c)(4) of the District of Columbia Police and Firemen's Act of 1958 (D.C. Code, sec. 4–416(c)(4)) is amended by striking "locality pay" and inserting "longevity pay".

(b) The amendment made by subsection (a) is effective on the date of enactment of Public Law 105–61.

SEC. 160. In addition to amounts appropriated or otherwise made available, $3,000,000 is appropriated for the purpose of funding a Medicare Coordinated Care Demonstration Project in the District of Columbia as specified in section 4016(b)(2)(C) of the Balanced Budget Act of 1997.

SEC. 161. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as "Authority"). Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 162. Effective as if included in the enactment of subtitle J of title IV of the Balanced Budget Act of 1997 (Public Law 105–33) the Social Security Act is amended as follows:

(1) The fourth sentence of section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by inserting "for the State for a fiscal year, and that do not exceed the amount of the State's allotment under section 2104 (not taking into account reductions under section 2104(d)(2)) for the fiscal year reduced by the amount of any payments made under section 2105 to the State from such allotment for such fiscal year," after "subsection (u)(3)".

(2) Section 1905(u) of such Act (42 U.S.C. 1396d(u)) is amended—

(A) in paragraph (1)(B), by striking "paragraph (2)" and inserting "the fourth sentence of subsection (b)";

(B) in paragraph (2)(A), by striking "(C), but not in excess" and all that follows up to the period at the end and inserting "(B)";

(C) by striking subparagraphs (B) and (C) of paragraph (2) and inserting the following:

"(B) For purposes of this paragraph, the term 'optional targeted low-income child' means a targeted low-income child as defined in section 2110(b)(1) (determined without regard to that portion of subparagraph (C) of such section concerning eligibility for medical assistance under this title) who would not qualify for medical assistance under the State plan under this title as in effect on March 31, 1997 (but taking into account the expansion of age of eligibility effected through the operation of section 1902(l)(1)(D)).";

(D) in paragraph (3)—

(i) by striking "described in this subparagraph" and inserting "described in this paragraph"; and

(ii) by striking "April 15, 1997" and inserting "March 31, 1997"; and

(E) by adding at the end the following:

"(4) The limitations on payment under subsections (f) and (g) of section 1108 shall not apply to Federal payments made under section 1903(a)(1) based on an enhanced FMAP described in section 2105(b).".

(3) Section 2110(b) of such Act (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(B)(ii) to read as follows:

"(ii) is a child—

"(I) whose family income (as determined under the State child health plan)) exceeds the medicaid applicable income level (as defined in paragraph (4)), but does not exceed 50 percentage points above the medicaid applicable income level;

"(II) whose family income (as so determined) does not exceed the medicaid applicable income level (as defined in paragraph (4) but determined as if 'June 1, 1997' were substituted for 'March 31, 1997'); or

"(III) who resides in a State that does not have a medicaid applicable income level (as defined in paragraph (4)); and"; and

(B) in paragraph (4)—

(i) by striking "June 1, 1997" and inserting "March 31, 1997"; and

(ii) by inserting "or 1905(n)(2) (as selected by a State)" after "1902(l)(2)".

(4) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by striking "or 1905(p)(1)" and inserting "1905(p)(1), or 1905(u)".

(5) Section 2105(c)(2)(A) of such Act (42 U.S.C. 1397ee(c)(2)(A)) is amended to read as follows—

"(A) IN GENERAL.—Except as provided in this paragraph, payment shall not be made under subsection (a) for expenditures for items described in subsection (a) (other than paragraph (1)) for a fiscal year to the extent the total of such expenditures (for which payment is made under such subsection) exceeds 10 percent of the sum of—

"(i) the total of such expenditures for such fiscal year, and

"(ii) the total expenditures for medical assistance by the State under title XIX for which Federal payments made under section 1903(a)(1) are based on an enhanced FMAP described in section 2105(b) for such fiscal year.".

(6) Section 2104 of such Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (d)(1), by striking "for calendar quarters" and inserting "for expenditures claimed by the State"; and

(B) by striking subsection (d)(2) and inserting the following:

"(2) the amount (if any) of the payments made to that State under section 1903(a) for expenditures claimed by the State during such fiscal year that is attributable to the provision of medical assistance to a child for which payment is made under section 1903(a)(1) on the basis of an enhanced FMAP under the fourth sentence of section 1905(b).".

(7) Section 2105 of such Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

"(f) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing in this section or subsections (e) and (f) of section 2104 shall be construed as preventing a State from claiming as expenditures in the quarter expenditures that were incurred in a previous quarter.".

(8) Section 2104 of such Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a)(1), by striking "$4,275,000,000" and inserting "$4,295,000,000";

(B) in subsection (b)(4), by striking "Subject to paragraph (5), in" and inserting "In"; and

(C) in subsection (c)—

(i) in paragraph (2)(C), by inserting "the" before "Virgin Islands", and

(ii) in paragraphs (3)(C) and (3)(E), by striking "the" and inserting "The".

(9) Section 2110(c)(3) of such Act (42 U.S.C. 1397jj(c)(3)) is amended by striking "2191" and inserting "2791".

SEC. 163. The Administrator of General Services is authorized to amend the use restriction contained in the Administrator's 1956 conveyance of land to the City of Bonham, Texas, mandated by Public Law 586 of the 84th Congress. The amended use restriction will limit the property to state veterans, nursing homes and public safety communications purposes only.

SEC. 164. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 165. There are appropriated from such funds of the District of Columbia, as are deemed appropriate by the District of Columbia Financial Responsibility and Management Assistance Authority, $2,600,000, for the Fire and Emergency Medical Services Department for a 5 percent pay increase for uniformed fire fighters.

SEC. 166. During fiscal year 1998, from funds available to the Department of Defense, up to $800,000 is available to the Department of Defense to compensate persons who have suffered documented commercial loss of cranberry crops in 1997 in the Mashpee or Falmouth bogs, located on the Quashnet and Coonamessett Rivers, respectively, as a result of the presence of ethylene dibromide (EDB) in or on cranberries from either of the plumes of EDB-contaminated groundwater known as "FS 28" and "FS–1" adjacent to the Massachusetts Military Reservation, Cape Cod, Massachusetts.

TITLE II—CLARIFICATION OF ELIGIBILITY FOR RELIEF FROM REMOVAL AND DEPORTATION FOR CERTAIN ALIENS

SEC. 201. SHORT TITLE.—This title may be cited as the "Nicaraguan Adjustment and Central American Relief Act".

SEC. 202. ADJUSTMENT OF STATUS OF CERTAIN NICARAGUANS AND CUBANS. (a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2000; and

(B) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The benefits provided by subsection (a) shall apply to any alien who is a national of Nicaragua or Cuba and who has been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under such subsection is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

(2) PROOF OF COMMENCEMENT OF CONTINUOUS PRESENCE.—For purposes of establishing that the period of continuous physical presence referred to in paragraph (1) commenced not later than December 1, 1995, an alien—

(A) shall demonstrate that the alien, prior to December 1, 1995—

(i) applied to the Attorney General for asylum;

(ii) was issued an order to show cause under section 242 or 242B of the Immigration and Nationality Act (as in effect prior to April 1, 1997);

(iii) was placed in exclusion proceedings under section 236 of such Act (as so in effect);

(iv) applied for adjustment of status under section 245 of such Act;

(v) applied to the Attorney General for employment authorization;

(vi) performed service, or engaged in a trade or business, within the United States which is evidenced by records maintained by the Commissioner of Social Security; or

(vii) applied for any other benefit under the Immigration and Nationality Act by means of an application establishing the alien's presence in the United States prior to December 1, 1995; or

(B) shall make such other demonstration of physical presence as the Attorney General may provide for by regulation.

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien subject to a final order of deportation or removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an "employment authorized" endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Nicaragua or Cuba;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that they have been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under this subsection is filed;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed;

(D) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply; and

(E) applies for such adjustment before April 1, 2000.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien—

(A) shall demonstrate that such period commenced not later than December 1, 1995, in a manner consistent with subsection (b)(2); and

(B) shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period in the aggregate not exceeding 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

SEC. 203. MODIFICATION OF CERTAIN TRANSITION RULES. (a) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—

(1) IN GENERAL.—Section 309(c)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–627) is amended to read as follows:

"(5) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act (relating to continuous residence or physical presence) shall apply to orders to show cause (including those referred to in section 242B(a)(1) of the Immigration and Nationality Act, as in effect before the title III–A effective date), issued before, on, or after the date of the enactment of this Act.

"(B) EXCEPTION FOR CERTAIN ORDERS.—In any case in which the Attorney General elects to terminate and reinitiate proceedings in accordance with paragraph (3) of this subsection, paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act shall not apply to an order to show cause issued before April 1, 1997.

"(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION.—

"(i) IN GENERAL.—For purposes of calculating the period of continuous physical presence under section 244(a) of the Immigration and Nationality Act (as in effect before the title III–A effective date) or section 240A of such Act (as in effect after the title III–A effective date), subparagraph (A) and paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act shall not apply in the case of an alien, regardless of whether the alien is in exclusion or deportation proceedings before the title III–A effective date, who has not been convicted at any time of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act) and—

"(I) was not apprehended after December 19, 1990, at the time of entry, and is—

"(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the settlement agreement in American Baptist Churches, et al. v. Thornburgh (ABC), 760 F. Supp. 796 (N.D. Cal. 1991) on or before October 31, 1991, or applied for temporary protected status on or before October 31, 1991; or

"(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to such settlement agreement on or before December 31, 1991;

"(II) is a Guatemalan or Salvadoran national who filed an application for asylum with the Immigration and Naturalization Service on or before April 1, 1990;

"(III) is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act) of an individual, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such individual, if the individual has been determined to be described in this clause (excluding this subclause and subclause (IV));

"(IV) is the unmarried son or daughter of an alien parent, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such alien parent, if—

"(aa) the alien parent has been determined to be described in this clause (excluding this subclause and subclause (III)); and

"(bb) in the case of a son or daughter who is 21 years of age or older at the time such decision is rendered, the son or daughter entered the United States on or before October 1, 1990; or

"(V) is an alien who entered the United States on or before December 31, 1990, who filed an application for asylum on or before December 31, 1991, and who, at the time of filing such application, was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia.

"(ii) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether an alien satisfies the requirements of this clause (i) is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of section 242(a)(2)(B) of the Immigration and Nationality Act (as in effect after the title III–A effective date) to other eligibility determinations pertaining to discretionary relief under this Act.".

(2) CONFORMING AMENDMENT.—Subsection (c) of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–625) is amended by striking the subsection designation and the subsection heading and inserting the following:

"(c) TRANSITION FOR CERTAIN ALIENS.—".

(b) SPECIAL RULE FOR CANCELLATION OF REMOVAL.—Section 309 of the Illegal Immigration

Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–625) is amended by adding at the end the following:

"(f) SPECIAL RULE FOR CANCELLATION OF REMOVAL.—

"(1) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (as in effect after the title III–A effective date), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (but including section 242(a)(2)(B) of such Act), the Attorney General may, under section 240A of such Act, cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States, if the alien applies for such relief, the alien is described in subsection (c)(5)(C)(i) of this section, and—

"(A) the alien—

"(i) is not inadmissible or deportable under paragraph (2) or (3) of section 212(a) or paragraph (2), (3), or (4) of section 237(a) of the Immigration and Nationality Act and is not an alien described in section 241(b)(3)(B)(i) of such Act;

"(ii) has been physically present in the United States for a continuous period of not less than 7 years immediately preceding the date of such application;

"(iii) has been a person of good moral character during such period; and

"(iv) establishes that removal would result in extreme hardship to the alien or to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

"(B) the alien—

"(i) is inadmissible or deportable under section 212(a)(2), 237(a)(2) (other than 237(a)(2)(A)(iii)), or 237(a)(3) of the Immigration and Nationality Act;

"(ii) is not an alien described in section 241(b)(3)(B)(i) or 101(a)(43) of such Act;

"(iii) has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for removal;

"(iv) has been a person of good moral character during such period; and

"(v) establishes that removal would result in exceptional and extremely unusual hardship to the alien or to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

"(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—Section 240A(d)(2) shall apply for purposes of calculating any period of continuous physical presence under this subsection, except that the reference to subsection (b)(1) in such section shall be considered to be a reference to paragraph (1) of this section.".

(c) MOTIONS TO REOPEN DEPORTATION OR REMOVAL PROCEEDINGS.—Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–625), as amended by subsection (b), is further amended by adding at the end the following:

"(g) MOTIONS TO REOPEN DEPORTATION OR REMOVAL PROCEEDINGS.—Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act)), any alien who has become eligible for cancellation of removal or suspension of deportation as a result of the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act may file one motion to reopen removal or deportation proceedings to apply for cancellation of removal or suspension of deportation. The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of the Nicaraguan Adjustment and Central American Relief Act and shall extend for a period not to exceed 240 days.".

(d) TEMPORARY REDUCTION IN DIVERSITY VISAS.—

(1) Beginning in fiscal year 1999, subject to paragraph (2), the number of visas available for a fiscal year under section 201(e) of the Immigration and Nationality Act shall be reduced by 5,000 from the number of visas available under that section for such fiscal year.

(2) In no case shall the reduction under paragraph (1) for a fiscal year exceed the amount by which—

(A) one-half of the total number of individuals described in subclauses (I), (II), (III), and (IV) of section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 who have adjusted their status to that of aliens lawfully admitted for permanent residence under the Nicaraguan Adjustment and Central American Relief Act as of the end of the previous fiscal year exceeds—

(B) the total of the reductions in available visas under this subsection for all previous fiscal years.

(e) TEMPORARY REDUCTION IN OTHER WORKERS' VISAS.—

(1) Beginning in the fiscal year following the fiscal year in which a visa has been made available under section 203(b)(3)(A)(iii) of the Immigration and Nationality Act for all aliens who are the beneficiary of a petition approved under section 204 of such Act as of the date of the enactment of this Act for classification under section 203(b)(3)(A)(iii) of such Act, subject to paragraph (2), visas available under section 203(b)(3)(A)(iii) of that Act shall be reduced by 5,000 from the number of visas otherwise available under that section for such fiscal year.

(2) In no case shall the reduction under paragraph (1) for a fiscal year exceed the amount by which—

(A) the number computed under subsection (d)(2)(A), exceeds—

(B) the total of the reductions in available visas under this subsection for all previous fiscal years.

(f) EFFECTIVE DATE.—The amendments made by this section to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 shall take effect as if included in the enactment of such Act.

SEC. 204. LIMITATION ON CANCELLATIONS OF REMOVAL AND SUSPENSIONS OF DEPORTATION.

(a) ANNUAL LIMITATION.—Section 240A(e) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)) is amended to read as follows:

"(e) ANNUAL LIMITATION.—

"(1) AGGREGATE LIMITATION.—Subject to paragraphs (2) and (3), the Attorney General may not cancel the removal and adjust the status under this section, nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), of a total of more than 4,000 aliens in any fiscal year. The previous sentence shall apply regardless of when an alien applied for such cancellation and adjustment, or such suspension and adjustment, and whether such an alien had previously applied for suspension of deportation under such section 244(a). The numerical limitation under this paragraph shall apply to the aggregate number of decisions in any fiscal year to cancel the removal (and adjust the status) of an alien, or suspend the deportation (and adjust the status) of an alien, under this section or such section 244(a).

"(2) FISCAL YEAR 1997.—For fiscal year 1997, paragraph (1) shall only apply to decisions to cancel the removal of an alien, or suspend the deportation of an alien, made after April 1, 1997. Notwithstanding any other provision of law, the Attorney General may cancel the removal or suspend the deportation, in addition to the normal allotment for fiscal year 1998, of a number of aliens equal to 4,000 less the number of such cancellations of removal and suspensions of deportation granted in fiscal year 1997 after April 1, 1997.

"(3) EXCEPTION FOR CERTAIN ALIENS.—Paragraph (1) shall not apply to the following:

"(A) Aliens described in section 309(c)(5)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by the Nicaraguan Adjustment and Central American Relief Act).

"(B) Aliens in deportation proceedings prior to April 1, 1997, who applied for suspension of deportation under section 244(a)(3) (as in effect before the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).".

(b) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended in each of paragraphs (1) and (2) by striking "may cancel removal in the case of an alien" and inserting "may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien".

(c) RECORDATION OF DATE.—Section 240A(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(3)) is amended to read as follows:

"(3) RECORDATION OF DATE.—With respect to aliens who the Attorney General adjusts to the status of an alien lawfully admitted for permanent residence under paragraph (1) or (2), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of the Attorney General's cancellation of removal under paragraph (1) or (2).".

(d) APRIL 1 EFFECTIVE DATE FOR AGGREGATE LIMITATION.—Section 309(c)(7) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–627) is amended to read as follows:

"(7) LIMITATION ON SUSPENSION OF DEPORTATION.—After April 1, 1997, the Attorney General may not suspend the deportation and adjust the status under section 244 of the Immigration and Nationality Act (as in effect before the title III–A effective date) of any alien in any fiscal year, except in accordance with section 240A(e) of such Act. The previous sentence shall apply regardless of when an alien applied for such suspension and adjustment.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–546).

This division may be cited as the "District of Columbia Appropriations Act, 1998".

DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $76,199,000, of

which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $7,860,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1997: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $20,000,000 to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this heading shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

In addition, for necessary expenses, as determined by the Attorney General, $32,700,000, to remain available until expended, to reimburse departments and agencies of the Federal Government for any costs incurred in connection with—

(1) counterterrorism technology research and development;

(2) providing training and related equipment for chemical, biological, nuclear, and cyber attack prevention and response capabilities to State and local law enforcement agencies; and

(3) providing bomb training and response capabilities to State and local law enforcement agencies.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $70,007,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

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

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,211,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: Provided, That up to one-tenth of one percent of the Department of Justice's allocation from the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other review of such grant programs, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

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

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $444,200,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That, of the funds appropriated under this heading, such funds as may be necessary for the orderly termination of the Ounce of Prevention Council.

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

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

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

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $75,495,000: Provided, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $5,495,000: Provided further, That any fees received in excess of $70,000,000 in fiscal year 1998, shall remain available until expended, but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental and cooperative agreements, $972,460,000; of which not to exceed $2,500,000 shall be available until September 30, 1999, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $1,200,000 for the design, development, and implementation of an information systems strategy for D.C. Superior Court shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That not to exceed $2,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes, including bank robbery and carjacking, and drug trafficking: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,948 positions and 9,113 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d) and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $62,828,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $114,248,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $114,248,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the Fund estimated at $0: Provided further, That any such fees collected in excess of $114,248,000 in fiscal year 1998 shall remain available until expended but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

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

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for

the current fiscal year, $467,833,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and not to exceed $2,200,000 to support the Justice Prisoner and Alien Transportation System, shall remain available until expended: Provided, That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

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

FEDERAL PRISONER DETENTION

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

FEES AND EXPENSES OF WITNESSES

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

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000 and, in addition, up to $2,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

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

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

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

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

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

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $294,967,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,094 passenger motor vehicles, of which 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,750,921,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 1999; of which not less than $221,050,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) as amended ("the 1994 Act"), and the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"), $179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; $57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act; $4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; $9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and $5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $44,506,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $723,841,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 1999; and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $403,537,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $8,000,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,904, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility; $1,658,886,000 of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 1998: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis: Provided further, That not to exceed 43 permanent positions and 43 full-time equivalent workyears and $4,167,000 shall be expended for the Office of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That beginning seven calendar days after the enactment of this Act and for each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used by the INS to accept, for the purpose of conducting criminal background checks on applications for any benefit under the Immigration and Nationality Act, any FD–258 fingerprint card which has been prepared by or received from any individual or entity other than an office of the Immigration and Naturalization Service with the following exceptions—(1) State and local law enforcement agencies and (2) United States consular offices at United States embassies and consulates abroad under the jurisdiction of the Department of State or United States military offices under the jurisdiction of the Department of Defense authorized to perform fingerprinting services to prepare FD–258 fingerprint cards for applicants residing abroad applying for immigration benefits: Provided further, That agencies may collect and retain a fee for fingerprinting services: Provided further, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears after July 1, 1998: Provided further, That notwithstanding any other provision of law, during fiscal year 1998, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or Department Leadership on any matter.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $607,206,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $75,959,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 834, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,823,642,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 for the activation of new facilities shall remain available until September 30, 1999: Provided further, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $26,135,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $255,133,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further, That, of the total amount appropriated, not to exceed $2,300,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

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

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,266,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, and sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, $173,600,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524); of which $25,000,000 is for the National Sexual Offender Registry.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $512,500,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $46,500,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, of which $2,097,000 shall be available to the Executive Office of United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $2,383,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That $20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; of which $45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $34,500,000 shall be available as authorized by section 1001 of title I of the 1968 Act, to carry out the provisions of subpart 1, part E of title I of the 1968 Act notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $720,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $25,000,000 shall be available for the Cooperative Agreement Program: Provided further, That funds made available for Violent Offender Incarceration and Truth in Sentencing Incentive Grants to the State of California may, at the discretion of the recipient, be used for payments for the incarceration of criminal aliens; of which $7,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $172,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $12,000,000 which shall be used exclusively for the purpose of strengthening civil and criminal legal assistance programs for victims of domestic violence: Provided further, That, of these funds, $7,000,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women and $853,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court; of which $59,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $2,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $2,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $12,500,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $750,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $30,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,500,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act: Provided further, That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

JUVENILE BLOCK GRANTS

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Juvenile Justice Block Grant Program, $230,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: Provided, That none of the funds appropriated or otherwise made available by this Act for "Juvenile Block Grants" may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act.

WEED AND SEED PROGRAM FUND

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

GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Gambling Impact Study Commission, $1,000,000, to remain available until expended.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That not to exceed 186 permanent positions and 186 full-time equivalent workyears and $20,553,000 shall be expended for program management and administration: Provided further, That of the unobligated balances available in this program, $103,000,000 shall be used for innovative community policing programs, of which $38,000,000 shall be used for a law enforcement technology program of which $10,000,000 is for the North Carolina Criminal Justice Information Network, $1,000,000 shall be used for police recruitment programs authorized under subtitle H of title III of the 1994 Act, $34,000,000 shall be used for policing initiatives to combat methamphetamine production and trafficking, $12,500,000 shall be used for the Community Policing to Combat Domestic Violence Program pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, $17,500,000 shall be used for other innovative community policing

programs, such as programs to improve the safety of elementary and secondary school children, reduce crime on or near elementary and secondary school grounds and policing initiatives in drug "hot spots".

In addition, for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $201,672,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which (1) notwithstanding any other provision of law, $5,922,000 shall be available for expenses authorized by part A of title II of the Act, $96,500,000 shall be available for expenses authorized by part B of title II of the Act, and $45,250,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than one year after date of application) policies and programs that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $12,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs: Provided further, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

In addition, for grants, contracts, cooperative agreements, and other assistance, $5,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, $25,000,000 shall be available for grants of $360,000 to each state and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

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

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

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

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

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

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

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

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

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

SEC. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking "1996" and inserting "1997 and thereafter".

SEC. 109. (a) Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2), by striking "the next" and inserting "The first".

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

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

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

(b) in section 286(r) by—

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

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

(3) striking subsection (4), and replacing it with "The amounts required to be refunded from the Fund for fiscal year 1998 and thereafter shall be refunded in accordance with estimates made in the budget request of the President for those fiscal years. Any proposed changes in the amounts designated in such budget requests shall only be made after Congressional reprogramming notification in accordance with the reprogramming guidelines for the applicable fiscal year."; and

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

SEC. 111. (a) LIMITATION ON ELIGIBILITY UNDER SECTION 245(i).—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking "(i)(1)" through "The Attorney General" and inserting the following:

"(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States—

"(A) who—

"(i) entered the United States without inspection; or

"(ii) is within one of the classes enumerated in subsection (c) of this section; and

"(B) who is the beneficiary of a petition for classification under section 204 that was filed with the Attorney General or the Department of Labor for labor certification pursuant to section 212(a)(5)(i) on or before the date of the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General".

(b) REPEAL OF SUNSET FOR SECTION 245(i).—Section 506(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 103–317; 108 Stat. 1766) is amended to read as follows:

"(c) The amendment made by subsection (a) shall take effect on October 1, 1994, and shall cease to have effect on October 1, 1997. The amendment made by subsection (b) shall take effect on October 1, 1994.".

(c) INAPPLICABILITY OF SECTION 245(c)(2) FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)(2), by inserting "subject to subsection (k)," after "(2)"; and

(2) by adding at the end the following:

"(k) An alien is eligible to receive an immigrant visa under paragraph (1), (2), or (3) of section 203(b) or, in the case of an alien who is an immigrant described in section 101(a)(27)(C), under section 203(b)(4) pursuant to subsection (a) and notwithstanding subsection (c)(2), if—

"(1) the alien, on the date of filing an application for adjustment of status, is present in the United States pursuant to a lawful admission;

"(2) the alien, subsequent to such lawful admission has not, for an aggregate period exceeding 180 days—

"(A) failed to maintain, continuously, a lawful status;

"(B) engaged in unauthorized employment; or

"(C) otherwise violated the terms and conditions of the alien's admission.".

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

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

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

"(B) who—

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

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

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

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

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

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

"(ii) in the case of an applicant claiming to have served in a recognized guerilla unit, the United States Department of the Army; or

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

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

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

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

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

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

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

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

(d) EFFECTIVE DATE; TERMINATION DATE.—

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

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

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

"(J) an immigrant who is present in the United States—

"(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;

"(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

"(iii) in whose case the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;

Except that—

"(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction; and

"(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or".

SEC. 114. Not to exceed $200,000 of funds appropriated under section 1304 of title 31, United States Code, shall be available for payment pursuant to the Hearing Officer's Report in United States Court of Federal Claims No. 93-645X (June 3, 1996) (see 35 Fed. Cl. 99 (March 7, 1996)).

SEC. 115. (a) STANDARDS FOR SEX OFFENDER REGISTRATION PROGRAMS.—

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

(A) in paragraph (1)—

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

(ii) in subparagraph (B), by striking "with a designated State law enforcement agency";

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

"(2) DETERMINATION OF SEXUALLY VIOLENT PREDATOR STATUS; WAIVER; ALTERNATIVE MEASURES.—

"(A) IN GENERAL.—A determination of whether a person is a sexually violent predator for purposes of this section shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies.

"(B) WAIVER.—The Attorney General may waive the requirements of subparagraph (A) if the Attorney General determines that the State has established alternative procedures or legal standards for designating a person as a sexually violent predator.

"(C) ALTERNATIVE MEASURES.—The Attorney General may also approve alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth in this section regarding sexually violent predators.";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "that consists of—" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:";

(ii) in subparagraph (B), by striking "that consists of" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by"; and

(D) by adding at the end the following:

"(F) The term 'employed, carries on a vocation' includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

"(G) The term 'student' means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.".

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

(A) in paragraph (1)—

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

"(1) DUTIES OF RESPONSIBLE OFFICIALS.—";

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "or in the case of probation, the court" and inserting "the court, or another responsible officer or official";

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

(III) in clause (iii), by striking "shall register" and all that follows before the semicolon and inserting "shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence, and inform the person that the person must also register in a State where the person is employed, carries on a vocation, or is a student"; and

(iii) in subparagraph (B), by striking "or the court" and inserting ", the court, or another responsible officer or official";

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

"(2) TRANSFER OF INFORMATION TO STATE AND FBI; PARTICIPATION IN NATIONAL SEX OFFENDER REGISTRY.—

"(A) STATE REPORTING.—State procedures shall ensure that the registration information is promptly made available to a law enforcement agency having jurisdiction where the person expects to reside and entered into the appropriate State records or data system. State procedures shall also ensure that conviction data and fingerprints for persons required to register are promptly transmitted to the Federal Bureau of Investigation.

"(B) NATIONAL REPORTING.—A State shall participate in the national database established under section 170102(b) in accordance with

guidelines issued by the Attorney General, including transmission of current address information and other information on registrants to the extent provided by the guidelines.";

(C) in paragraph (3)(A)—

(i) in the matter preceding clause (i), by striking "on each" and all that follows through "applies:" and inserting the following: "State procedures shall provide for verification of address at least annually."; and

(ii) by striking clauses (i) through (v);

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

(E) in paragraph (5), by striking "shall register" and all that follows before the period at the end and inserting "and who moves to another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided promptly to an agency responsible for registration in the new State, if that State requires registration"; and

(F) by adding at the end the following:

"(7) REGISTRATION OF OUT-OF-STATE OFFENDERS, FEDERAL OFFENDERS, PERSONS SENTENCED BY COURTS MARTIAL, AND OFFENDERS CROSSING STATE BORDERS.—As provided in guidelines issued by the Attorney General, each State shall include in its registration program residents who were convicted in another State and shall ensure that procedures are in place to accept registration information from—

"(A) residents who were convicted in another State, convicted of a Federal offense, or sentenced by a court martial; and

"(B) nonresident offenders who have crossed into another State in order to work or attend school.".

(3) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by redesignating subsections (c) through (f) as (d) through (g), respectively, and inserting after subsection (b) the following:

"(c) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Any person who is required under this section to register in the State in which such person resides shall also register in any State in which the person is employed, carries on a vocation, or is a student.".

(4) RELEASE OF INFORMATION.—Section 170101(e)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)), as redesignated by subsection (c) of this section, is amended by striking "The designated" and all that follows through "State agency" and inserting "The State or any agency authorized by the State".

(5) IMMUNITY FOR GOOD FAITH CONDUCT.—Section 170101(f) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(f)), as redesignated by subsection (c) of this section, is amended by striking ", and State officials" and inserting "and independent contractors acting at the direction of such agencies, and State officials".

(6) FBI REGISTRATION.—(A) Section 170102(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(2)) is amended by striking "and 'predatory'" and inserting the following: "'predatory', 'employed, or carries on a vocation', and 'student'".

(B) Section 170102(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(3)) is amended—

(i) in subparagraph (A), by inserting "in a range of offenses specified by State law which is comparable to or exceeds that" before "described";

(ii) by amending subparagraph (B) to read as follows:

"(B) participates in the national database established under subsection (b) of this section in conformity with guidelines issued by the Attorney General;"; and

(iii) by amending subparagraph (C) to read as follows:

"(C) provides for verification of address at least annually;".

(C) Section 170102(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(i)) in the matter preceding paragraph (1), is amended by inserting "or pursuant to section 170101(b)(7)" after "subsection (g)".

(7) PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996.—Section 10 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 is amended by inserting at the end the following:

"(d) EFFECTIVE DATE.—States shall be allowed the time specified in subsection (b) to establish minimally sufficient sexual offender registration programs for purposes of the amendments made by section 2. Subsections (c) and (k) of section 170102 of the Violent Crime Control and Law Enforcement Act of 1994, and any requirement to issue related regulations, shall take effect at the conclusion of the time provided under this subsection for the establishment of minimally sufficient sexual offender registration programs.".

(8) FEDERAL OFFENDERS AND MILITARY PERSONNEL.—(A) Section 4042 of title 18, United States Code, is amended—

(i) in subsection (a)(5), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(ii) in subsection (b), by striking paragraph (4);

(iii) by redesignating subsection (c) as subsection (d); and

(iv) by inserting after subsection (b) the following:

"(c) NOTICE OF SEX OFFENDER RELEASE.—(1) In the case of a person described in paragraph (4) who is released from prison or sentenced to probation, notice shall be provided to—

"(A) the chief law enforcement officer of the State and of the local jurisdiction in which the person will reside; and

"(B) a State or local agency responsible for the receipt or maintenance of sex offender registration information in the State or local jurisdiction in which the person will reside.

The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.

"(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall be subject to a registration requirement as a sex offender. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described in paragraph (4) during any period of probation, supervised release, or parole shall also be provided to the agencies and officers specified in paragraph (1) by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.

"(3) The Director of the Bureau of Prisons shall inform a person described in paragraph (4) who is released from prison that the person shall be subject to a registration requirement as a sex offender in any State in which the person resides, is employed, carries on a vocation, or is a student (as such terms are defined for purposes of section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994), and the same information shall be provided to a person described in paragraph (4) who is sentenced to probation by the probation officer responsible for supervision of the person or in a manner specified by the Director of the Administrative Office of the United States Courts.

"(4) A person is described in this paragraph if the person was convicted of any of the following offenses (including such an offense prosecuted pursuant to section 1152 or 1153):

"(A) An offense under section 1201 involving a minor victim.

"(B) An offense under chapter 109A.

"(C) An offense under chapter 110.

"(D) An offense under chapter 117.

"(E) Any other offense designated by the Attorney General as a sexual offense for purposes of this subsection.

"(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).".

(B)(i) Section 3563(a) of title 18, United States Code, is amended by striking the matter at the end of paragraph (7) beginning with "The results of a drug test" and all that follows through the end of such paragraph and inserting that matter at the end of section 3563.

(ii) The matter inserted by subparagraph (A) at the end of section 3563 is amended—

(I) by striking "The results of a drug test" and inserting the following:

"(e) RESULTS OF DRUG TESTING.—The results of a drug test"; and

(II) by striking "paragraph (4)" each place it appears and inserting "subsection (a)(5)".

(iii) Section 3563(a) of title 18, United States Code, is amended—

(I) so that paragraphs (6) and (7) appear in numerical order immediately after paragraph (5);

(II) by striking "and" at the end of paragraph (6);

(III) in paragraph (7), by striking "assessments." and inserting "assessments; and"; and

(IV) by inserting immediately after paragraph (7) (as moved by clause (i)) the following new paragraph:

"(8) for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".

(iv) Section 3583(d) of title 18, United States Code, is amended by inserting after the second sentence the following: "The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent

Crime Control and Law Enforcement Act of 1994).".

(v) Section 4209(a) of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting after the first sentence the following: "In every case, the Commission shall impose as a condition of parole for a person described in section 4042(c)(4), that the parolee report the address where the parolee will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the parolee register in any State where the parolee resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).".

(C)(i) The Secretary of Defense shall specify categories of conduct punishable under the Uniform Code of Military Justice which encompass a range of conduct comparable to that described in section 170101(a)(3)(A) and (B) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3)(A) and (B)), and such other conduct as the Secretary deems appropriate for inclusion for purposes of this subparagraph.

(ii) In relation to persons sentenced by a court martial for conduct in the categories specified under clause (i), the Secretary shall prescribe procedures and implement a system to—

(I) provide notice concerning the release from confinement or sentencing of such persons;

(II) inform such persons concerning registration obligations; and

(III) track and ensure compliance with registration requirements by such persons during any period of parole, probation, or other conditional release or supervision related to the offense.

(iii) The procedures and requirements established by the Secretary under this subparagraph shall, to the maximum extent practicable, be consistent with those specified for Federal offenders under the amendments made by subparagraphs (A) and (B).

(iv) If a person within the scope of this subparagraph is confined in a facility under the control of the Bureau of Prisons at the time of release, the Bureau of Prisons shall provide notice of release and inform the person concerning registration obligations under the procedures specified in section 4042(c) of title 18, United States Code.

(9) PROTECTED WITNESS REGISTRATION.—Section 3521(b)(1) of title 18, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (G);

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) protect the confidentiality of the identity and location of persons subject to registration requirements as convicted offenders under Federal or State law, including prescribing alternative procedures to those otherwise provided by Federal or State law for registration and tracking of such persons; and".

(b) SENSE OF CONGRESS AND REPORT RELATING TO STALKING LAWS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that each State should have in effect a law that makes it a crime to stalk any individual, especially children, without requiring that such individual be physically harmed or abducted before a stalker is restrained or punished.

(2) REPORT.—The Attorney General shall include in an annual report under section 40610 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14039) information concerning existing or proposed State laws and penalties for stalking crimes against children.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, except that—

(1) subparagraphs (A), (B), and (C) of subsection (a)(8) shall take effect 1 year after the date of the enactment of this Act; and

(2) States shall have 3 years from such date of enactment to implement amendments made by this Act which impose new requirements under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, and the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement these amendments.

SEC. 116. (a) IN GENERAL.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153; Public Law 102–395) is amended—

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

(2) by striking "five years" and inserting "seven years".

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

SEC. 117. For fiscal year 1998, the Attorney General shall provide a magnetometer and not less than one qualified guard at each unsecured entrance to the real property (including offices, buildings, and related grounds and facilities) that is leased to the United States as a place of employment for Federal employees at 625 Silver, S.W., in Albuquerque, New Mexico for the duration of time that Department of Justice employees are occupants of this building, after which the General Services Administration shall provide the same level of security equipment and personnel at this location until the date on which the new Albuquerque federal building is occupied.

SEC. 118. Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

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

"(B)(i) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

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

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

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

SEC. 119. Section 1701(b)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended to read as follows—

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

SEC. 120. Section 212(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)) is amended—

(1) in subparagraph (A)(ii), by inserting "except as provided in subparagraph (C)," after "(ii)"; and

(2) by adding at the end the following:

"(C) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR ADOPTED CHILDREN 10 YEARS OF AGE OR YOUNGER.—Clause (ii) of subparagraph (A) shall not apply to a child who—

"(i) is 10 years of age or younger,

"(ii) is described in section 101(b)(1)(F), and

"(iii) is seeking an immigrant visa as an immediate relative under section 201(b),

if, prior to the admission of the child, an adoptive parent or prospective adoptive parent of the child, who has sponsored the child for admission as an immediate relative, has executed an affidavit stating that the parent is aware of the provisions of subparagraph (A)(ii) and will ensure that, within 30 days of the child's admission, or at the earliest time that is medically appropriate, the child will receive the vaccinations identified in such subparagraph.".

SEC. 121. Section 233(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1245) is amended by striking "1 year after the date of enactment of this Act" and inserting "October 1, 1999".

SEC. 122. (a) DEFINITIONS.—In this section—

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

(2) the term "DNA" means deoxyribonucleic acid; and

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

(A) has been convicted in Federal court of—

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

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

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

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

(1) a system for—

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

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

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

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

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

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

SEC. 123. (a) Notwithstanding any other provision of law relating to position classification or employee pay or performance, during the 3-year period beginning on the date of enactment of this Act, the Director of the Federal Bureau of Investigation may, with the approval of the Attorney General, establish a personnel management system providing for the compensation and performance management of not more than 3,000 non-Special Agent employees to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Federal Bureau of Investigation.

(b) Except as otherwise provided by law, no employee compensated under any system established under this section may be paid at a rate in excess of the rate payable for a position at level III of the Executive Schedule.

(c) Total payments to employees under any system established under this section shall be subject to the limitation on payments to employees set forth in section 5307 of title 5, United States Code.

(d) Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on Appropriations and the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, an operating plan describing the Director's intended use of the authority under this section, and identifying any provisions of title 5, United States Code, being waived for purposes of any personnel management system to be established by the Director under this section.

(e) Any performance management system established under this section shall have not less than 2 levels of performance above a retention standard.

(f) Not later than March 31, 2000, the Director of the Federal Bureau of Investigation shall submit to Congress an evaluation of the performance management system established under this section, which shall include—

(1) a comparison of—

(A) the compensation, benefits, and performance management provisions governing personnel of similar employment classification series in other departments and agencies of the Federal Government; and

(B) the costs, consistent with standards prescribed in Office of Management and Budget Circular A–76, of contracting for any services provided through those departments and agencies; and

(2) if appropriate, a recommendation for legislation to extend the authority under this section.

(g) Notwithstanding any other provision of law, the Secretary of the Treasury shall have the same authority provided to the Office of Personnel Management under section 4703 of title 5, United States Code, to establish, in the discretion of the Secretary, demonstration projects for a period of 3 years, for not to exceed a combined total of 950 employees, to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, and the United States Secret Service.

(h) The authority under this section shall terminate 3 years after the date of enactment of this Act.

SEC. 124. (a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking "permits" and inserting "requires"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "no prisoner release order shall be entered unless" and inserting "no court shall enter a prisoner release order unless"; and

(ii) in subparagraph (F)—

(I) by inserting "including a legislator" after "local official"; and

(II) by striking "program" and inserting "prison";

(2) in subsection (b)(3), by striking "current or ongoing" and inserting "current and ongoing";

(3) in subsection (e)—

(A) in paragraph (1), by adding at the end the following: "Mandamus shall lie to remedy any failure to issue a prompt ruling on such a motion.";

(B) in paragraph (2), by striking "Any prospective relief subject to a pending motion shall be automatically stayed" and inserting "Any motion to modify or terminate prospective relief made under subsection (b) shall operate as a stay"; and

(C) by adding at the end the following:

"(3) POSTPONEMENT OF AUTOMATIC STAY.—The court may postpone the effective date of an automatic stay specified in subsection (e)(2)(A) for not more than 60 days for good cause. No postponement shall be permissible because of general congestion of the court's calendar.

"(4) ORDER BLOCKING THE AUTOMATIC STAY.—Any order staying, suspending, delaying, or barring the operation of the automatic stay described in paragraph (2) (other than an order to postpone the effective date of the automatic stay under paragraph (3)) shall be treated as an order refusing to dissolve or modify an injunction and shall be appealable pursuant to section 1292(a)(1) of title 28, United States Code, regardless of how the order is styled or whether the order is termed a preliminary or a final ruling.".

(b) EFFECTIVE DATE.—The amendments made by this Act shall take effect upon the date of the enactment of this Act and shall apply to pending cases.

SEC. 125. Section 524(c)(8)(B) of title 28, United States Code, is amended by deleting "1996, and 1997," and inserting "and 1996," in place thereof.

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

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $23,450,000, of which $2,500,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses: Provided further, That the total number of political appointees on board as of May 1, 1998, shall not exceed 25 positions.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $41,200,000 to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $283,066,000, to remain available until expended: Provided, That of the $287,866,000 provided for in direct obligations (of which $283,066,000 is appropriated from the General Fund, and $4,800,000 is derived from unobligated balances and deobligations from prior years), $58,986,000 shall be for Trade Development, $17,340,000 shall be for the Market Access and Compliance, $28,770,000 shall be for the Import Administration, $171,070,000 shall be for the United States and Foreign Commercial Service, and $11,700,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $43,900,000 to remain available until expended, of which $1,900,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $340,000,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection

with securing grants and contracts made by the Economic Development Administration: Provided further, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided further, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $21,028,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $25,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $47,499,000, to remain available until September 30, 1999.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

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

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $137,278,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to conduct the decennial census, $388,074,000, to remain available until expended.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $165,926,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $16,550,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. §§ 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: Provided further, That, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Broadcasting Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $20,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $691,000,000, to remain available until expended: Provided, That of this amount, $664,000,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998 from the General Fund estimated at $0: Provided further, That during fiscal year 1998, should the total amount of offsetting fee collections be less than $664,000,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: Provided further, That any fees received in excess of $664,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That the remaining $27,000,000 shall be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law and shall remain available until expended.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,500,000, of which not to exceed $1,600,000 shall remain available until September 30, 1999.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $276,852,000, to remain available until expended, of which not to exceed $3,800,000 shall be used to fund a cooperative agreement with Texas Tech University for wind research; and of which not to exceed $5,000,000 of the amount above $268,000,000 shall be used to fund a cooperative agreement with Montana State University for a research program on green buildings; and of which not to exceed $1,625,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $113,500,000, to remain available until expended, of which not to exceed $300,000 may be transferred to the "Working Capital Fund": Provided, That notwithstanding the time limitations imposed by 15 U.S.C. 278k(c) (1) and (5) on the duration of Federal financial assistance that may be awarded by the Secretary of Commerce to Regional Centers for the transfer of Manufacturing Technology ("Centers"), such Federal financial assistance for a Center may continue beyond six years and may be renewed for additional periods, not to exceed one year, at a rate not to exceed one-third of the Center's total annual costs, subject before any such renewal to a positive evaluation of the Center and to a finding by the Secretary of Commerce that continuation of Federal funding to the Center is in the best interest of the Regional Centers for the transfer of Manufacturing Technology Program: Provided further, That the Center's most recent performance evaluation is positive, and the Center has submitted a reapplication which has successfully passed merit review.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $192,500,000, to remain available until expended, of which not to exceed $82,000,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $95,000,000, to remain available until expended: Provided, That of the amounts provided under this heading, $78,308,000 shall be

available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 283 commissioned officers on the active list as of September 30, 1998; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,500,350,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such additional fees are received during fiscal year 1998, so as to result in a final General Fund appropriation estimated at not more than $1,497,350,000: Provided further, That any such additional fees received in excess of $3,000,000 in fiscal year 1998 shall not be available for obligation until October 1, 1998: Provided further, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $62,381,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: Provided further, That unexpended balances in the accounts "Construction" and "Fleet Modernization, Shipbuilding and Conversion" shall be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $489,609,000, to remain available until expended: Provided, That not to exceed $116,910,000 is available for the advanced weather interactive processing system, and may be available for obligation and expenditure only pursuant to a certification by the Secretary of Commerce that the total cost to complete the acquisition and deployment of the advanced weather interactive processing system and NOAA Port system, including program management, operations and maintenance costs through deployment will not exceed $188,700,000: Provided further, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account and the "Construction" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

COASTAL ZONE MANAGEMENT FUND

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

FISHERMEN'S CONTINGENCY FUND

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

FOREIGN FISHING OBSERVER FUND

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

FISHERIES FINANCE PROGRAM ACCOUNT

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

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $27,490,000.

OFFICE OF INSPECTOR GENERAL

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

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $20,000,000 are rescinded.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $3,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

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

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

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

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

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

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce or any portion thereof to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. (a) Congress finds that—

(1) it is the constitutional duty of the Congress to ensure that the decennial enumeration

of the population is conducted in a manner consistent with the Constitution and laws of the United States;

(2) the sole constitutional purpose of the decennial enumeration of the population is the apportionment of Representatives in Congress among the several States;

(3) section 2 of the 14th article of amendment to the Constitution clearly states that Representatives are to be "apportioned among the several States according to their respective numbers, counting the whole number of persons in each State";

(4) article I, section 2, clause 3 of the Constitution clearly requires an "actual Enumeration" of the population, and section 195 of title 13, United States Code, clearly provides "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title.";

(5) the decennial enumeration of the population is one of the most critical constitutional functions our Federal Government performs;

(6) it is essential that the decennial enumeration of the population be as accurate as possible, consistent with the Constitution and laws of the United States;

(7) the use of statistical sampling or statistical adjustment in conjunction with an actual enumeration to carry out the census with respect to any segment of the population poses the risk of an inaccurate, invalid, and unconstitutional census;

(8) the decennial enumeration of the population is a complex and vast undertaking, and if such enumeration is conducted in a manner that does not comply with the requirements of the Constitution or laws of the United States, it would be impracticable for the States to obtain, and the courts of the United States to provide, meaningful relief after such enumeration has been conducted; and

(9) Congress is committed to providing the level of funding that is required to perform the entire range of constitutional census activities, with a particular emphasis on accurately enumerating all individuals who have historically been undercounted, and toward this end, Congress expects—

(A) aggressive and innovative promotion and outreach campaigns in hard-to-count communities;

(B) the hiring of enumerators from within those communities;

(C) continued cooperation with local government on address list development; and

(D) maximized census employment opportunities for individuals seeking to make the transition from welfare to work.

(b) Any person aggrieved by the use of any statistical method in violation of the Constitution or any provision of law (other than this Act), in connection with the 2000 or any later decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress, may in a civil action obtain declaratory, injunctive, and any other appropriate relief against the use of such method.

(c) For purposes of this section—

(1) the use of any statistical method as part of a dress rehearsal or other simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census; and

(2) the report ordered by title VIII of Public Law 105–18 and the Census 2000 Operational Plan shall be deemed to constitute final agency action regarding the use of statistical methods in the 2000 decennial census, thus making the question of their use in such census sufficiently concrete and final to now be reviewable in a judicial proceeding.

(d) For purposes of this section, an aggrieved person (described in subsection (b)) includes—

(1) any resident of a State whose congressional representation or district could be changed as a result of the use of a statistical method challenged in the civil action;

(2) any Representative or Senator in Congress; and

(3) either House of Congress.

(e)(1) Any action brought under this section shall be heard and determined by a district court of three judges in accordance with section 2284 of title 28, United States Code. The chief judge of the United States court of appeals for each circuit shall, to the extent practicable and consistent with the avoidance of unnecessary delay, consolidate, for all purposes, in one district court within that circuit, all actions pending in that circuit under this section. Any party to an action under this section shall be precluded from seeking any consolidation of that action other than is provided in this paragraph. In selecting the district court in which to consolidate such actions, the chief judge shall consider the convenience of the parties and witnesses and efficient conduct of such actions. Any final order or injunction of a United States district court that is issued pursuant to an action brought under this section shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under this section may be issued by a single Justice of the Supreme Court.

(2) It shall be the duty of a United States district court hearing an action brought under this section and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any such matter.

(f) Any agency or entity within the executive branch having authority with respect to the carrying out of a decennial census may in a civil action obtain a declaratory judgment respecting whether or not the use of a statistical method, in connection with such census, to determine the population for the purposes of the apportionment or redistricting of members in Congress is forbidden by the Constitution and laws of the United States.

(g) The Speaker of the House of Representatives or the Speaker's designee or designees may commence or join in a civil action, for and on behalf of the House of Representatives, under any applicable law, to prevent the use of any statistical method, in connection with the decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress. It shall be the duty of the Office of the General Counsel of the House of Representatives to represent the House in such civil action, according to the directions of the Speaker. The Office of the General Counsel of the House of Representatives may employ the services of outside counsel and other experts for this purpose.

(h) For purposes of this section and section 210—

(1) the term "statistical method" means an activity related to the design, planning, testing, or implementation of the use of representative sampling, or any other statistical procedure, including statistical adjustment, to add or subtract counts to or from the enumeration of the population as a result of statistical inference; and

(2) the term "census" or "decennial census" means a decennial enumeration of the population.

(i) Nothing in this Act shall be construed to authorize the use of any statistical method, in connection with a decennial census, for the apportionment or redistricting of members in Congress.

(j) Sufficient funds appropriated under this Act or under any other Act for purposes of the 2000 decennial census shall be used by the Bureau of the Census to plan, test, and become prepared to implement a 2000 decennial census, without using statistical methods, which shall result in the percentage of the total population actually enumerated being as close to 100 percent as possible. In both the 2000 decennial census, and any dress rehearsal or other simulation made in preparation for the 2000 decennial census, the number of persons enumerated without using statistical methods must be publicly available for all levels of census geography which are being released by the Bureau of the Census for (1) all data releases before January 1, 2001, (2) the data contained in the 2000 decennial census Public Law 94–171 data file released for use in redistricting, (3) the Summary Tabulation File One (STF–1) for the 2000 decennial census, and (4) the official populations of the States transmitted from the Secretary of Commerce through the President to the Clerk of the House used to reapportion the districts of the House among the States as a result of the 2000 decennial census. Simultaneously with any other release or reporting of any of the information described in the preceding sentence through other means, such information shall be made available to the public on the Internet. These files of the Bureau of the Census shall be available concurrently to the release of the original files to the same recipients, on identical media, and at a comparable price. They shall contain the number of persons enumerated without using statistical methods and any additions or subtractions thereto. These files shall be based on data gathered and generated by the Bureau of the Census in its official capacity.

(k) This section shall apply in fiscal year 1998 and succeeding fiscal years.

SEC. 210. (a) There shall be established a board to be known as the Census Monitoring Board (hereinafter in this section referred to as the "Board").

(b) The function of the Board shall be to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census (including all dress rehearsals and other simulations of a census in preparation therefor).

(c)(1) The Board shall be composed of 8 members as follows:

(A) 2 individuals appointed by the majority leader of the Senate.

(B) 2 individuals appointed by the Speaker of the House of Representatives.

(C) 4 individuals appointed by the President, of whom—

(i) 1 shall be on the recommendation of the minority leader of the Senate; and

(ii) 1 shall be on the recommendation of the minority leader of the House of Representatives. All members of the Board shall be appointed within 60 days after the date of enactment of this Act. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(2) Members shall not be entitled to any pay by reason of their service on the Board, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) The Board shall have—

(A) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(C).

(4) The Board shall meet at the call of either co-chairman.

(5) A quorum shall consist of 5 members of the Board.

(6) The Board may promulgate any regulations necessary to carry out its duties.

(d)(1) The Board shall have—

(A) an executive director who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) an executive director who shall be appointed jointly by the members under subsection (c)(1)(C),

each of whom shall be paid at a rate not to exceed level IV of the Executive Schedule.

(2) Subject to such rules as the Board may prescribe, each executive director—

(A) may appoint and fix the pay of such additional personnel as that executive director considers appropriate; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of pay payable for grade GS–15 of the General Schedule.

Such rules shall include provisions to ensure an equitable division or sharing of resources, as appropriate, between the respective staff of the Board.

(3) The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(4) The Administrator of the General Services Administration, in coordination with the Secretary of Commerce, shall locate suitable office space for the operation of the Board in the W. Edwards Deming Building in Suitland, Maryland. The facilities shall serve as the headquarters of the Board and shall include all necessary equipment and incidentals required for the proper functioning of the Board.

(e)(1) For the purpose of carrying out its duties, the Board may hold such hearings (at the call of either co-chairman) and undertake such other activities as the Board determines to be necessary to carry out its duties.

(2) The Board may authorize any member of the Board or of its staff to take any action which the Board is authorized to take by this subsection.

(3)(A) Each co-chairman of the Board and any members of the staff who may be designated by the Board under this paragraph shall be granted access to any data, files, information, or other matters maintained by the Bureau of the Census (or received by it in the course of conducting a decennial census of population) which they may request, subject to such regulations as the Board may prescribe in consultation with the Secretary of Commerce.

(B) The Board or the co-chairmen acting jointly may secure directly from any other Federal agency, including the White House, all information that the Board considers necessary to enable the Board to carry out its duties. Upon request of the Board or both co-chairmen, the head of that agency (or other person duly designated for purposes of this paragraph) shall furnish that information to the Board.

(4) The Board shall prescribe regulations under which any member of the Board or of its staff, and any person whose services are procured under subsection (d)(2)(B), who gains access to any information or other matter pursuant to this subsection shall, to the extent that any provisions of section 9 or 214 of title 13, United States Code, would apply with respect to such matter in the case of an employee of the Department of Commerce, be subject to such provisions.

(5) Upon the request of the Board, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Board to assist the Board in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(6) Upon the request of the Board, the head of a Federal agency shall provide such technical assistance to the Board as the Board determines to be necessary to carry out its duties.

(7) The Board may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(8) Upon request of the Board, the Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(9) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Board shall be deemed to be a committee of the Congress.

(f)(1) The Board shall transmit to the Congress—

(A) interim reports, with the first such report due by April 1, 1998;

(B) additional reports, the first of which shall be due by February 1, 1999, the second of which shall be due by April 1, 1999, and subsequent reports at least semiannually thereafter;

(C) a final report which shall be due by September 1, 2001; and

(D) any other reports which the Board considers appropriate.

The final report shall contain a detailed statement of the findings and conclusions of the Board with respect to the matters described in subsection (b).

(2) In addition to any matter otherwise required under this subsection, each such report shall address, with respect to the period covered by such report—

(A) the degree to which efforts of the Bureau of the Census to prepare to conduct the 2000 census—

(i) shall achieve maximum possible accuracy at every level of geography;

(ii) shall be taken by means of an enumeration process designed to count every individual possible; and

(iii) shall be free from political bias and arbitrary decisions; and

(B) efforts by the Bureau of the Census intended to contribute to enumeration improvement, specifically, in connection with—

(i) computer modernization and the appropriate use of automation;

(ii) address list development;

(iii) outreach and promotion efforts at all levels designed to maximize response rates, especially among groups that have historically been undercounted (including measures undertaken in conjunction with local government and community and other groups);

(iv) establishment and operation of field offices; and

(v) efforts relating to the recruitment, hiring, and training of enumerators.

(3) Any data or other information obtained by the Board under this section shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon request of the chairman or ranking minority member of such committee or subcommittee. No such committee or subcommittee, or member thereof, shall disclose any information obtained under this paragraph which is submitted to it on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest.

(4) The Board shall study and submit to Congress, as part of its first report under paragraph (1)(A), its findings and recommendations as to the feasibility and desirability of using postal personnel or private contractors to help carry out the decennial census.

(g) There is authorized to be appropriated $4,000,000 for each of fiscal years 1998 through 2001 to carry out this section.

(h) To the extent practicable, members of the Board shall work to promote the most accurate and complete census possible by using their positions to publicize the need for full and timely responses to census questionnaires.

(i)(1) No individual described in paragraph (2) shall be eligible—

(A) to be appointed or to continue serving as a member of the Board or as a member of the staff thereof; or

(B) to enter into any contract with the Board.

(2) This subsection applies with respect to any individual who is serving or who has ever served—

(A) as the Director of the Census; or

(B) with any committee or subcommittee of either House of Congress, having jurisdiction over any aspect of the decennial census, as—

(i) a Member of Congress; or

(ii) a congressional employee.

(j) The Board shall cease to exist on September 30, 2001.

(k) Section 9(a) of title 13, United States Code, is amended in the matter before paragraph (1) thereof by striking "of this title—" and inserting "of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998—".

SEC. 211. (a) Section 401 of title 22, United States Code, is amended—

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

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

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

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

SEC. 212. Notwithstanding any other provision of law, the Economic Development Administration is directed to transfer funds obligated and awarded to the Butte-Silver Bow Consolidated Local Government as Project Number 05–01–02822 to the Butte Local Development Corporation Revolving Loan Fund to be administered by the Butte Local Development Corporation, such funds to remain available until expended, and, in accordance with section 1557 of title 31, United States Code, funds obligated and awarded in fiscal year 1994 under the heading "Economic Development Administration-Economic

Development Assistance Programs" for Metropolitan Dade County, Florida, and subsequently transferred to Miami-Dade Community College for Project No. 04-49-04021 shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure without fiscal year limitation.

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

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $29,245,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), $3,400,000, of which $485,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $15,575,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,449,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,682,400,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

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

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $40,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103-322, and sections 818 and 823 of Public Law 104-132.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); $329,529,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $64,438,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702); $167,214,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $52,000,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

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

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

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

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,240,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

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

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

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

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

SEC. 305. (a) COMMISSION ON STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS.—

(1) ESTABLISHMENT AND FUNCTIONS OF COMMISSION.—

(A) ESTABLISHMENT.—There is established a Commission on Structural Alternatives for the Federal Courts of Appeals (hereinafter referred to as the "Commission").

(B) FUNCTIONS.—The functions of the Commission shall be to—

(i) study the present division of the United States into the several judicial circuits;

(ii) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(iii) report to the President and the Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 5 members who shall be appointed by the Chief Justice of the United States.

(B) APPOINTMENT.—The members of the Commission shall be appointed within 30 days after the date of enactment of this Act.

(C) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(D) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(E) QUORUM.—Three members of the Commission shall constitute a quorum, but two may conduct hearings.

(3) COMPENSATION.—

(A) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(B) PRIVATE MEMBERS.—Members of the Commission from private life shall receive $200 for each day (including travel time) during which the member is engaged in the actual performance of duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(4) PERSONNEL.—

(A) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the compensation of such additional personnel as the Executive Director determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this paragraph shall not exceed the annual maximum rate of basic pay for a position above GS–15 of the General Schedule under section 5108 of title 5, United States Code.

(C) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(D) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, to the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services to the Commission on a reimbursable basis.

(5) INFORMATION.—The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance the Commission determines necessary to carry out its functions under this section. Each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

(6) REPORT.—The Commission shall conduct the studies required in this section during the 10-month period beginning on the date on which a quorum of the Commission has been appointed. Not later than 2 months following the completion of such 10-month period, the Commission shall submit its report to the President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums, not to exceed $900,000, as may be necessary to carry out the purposes of this section. Such sums as are appropriated shall remain available until expended.

SEC. 306. Pursuant to section 140 of Public Law 97–92, justices and judges of the United States are authorized during fiscal year 1998, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $5,000,000 is available for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in Title III of this Act.

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

SEC. 308. Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

"(4) DISCLOSURE OF FEES.—

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

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

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

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

"(I) Arraignment and or plea.

"(II) Bail and detention hearings.

"(III) Motions.

"(IV) Hearings.

"(V) Interviews and conferences.

"(VI) Obtaining and reviewing records.

"(VII) Legal research and brief writing.

"(VIII) Travel time.

"(IX) Investigative work.

"(X) Experts.

"(XI) Trial and appeals.

"(XII) Other.

"(C) TRIAL COMPLETED.—

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

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

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

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

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

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

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

"(v) the safety of any person; and

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

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

"(F) EFFECTIVE DATE.—The amendment made by paragraph (4) shall become effective 60 days after enactment of this Act, will apply only to cases filed on or after the effective date, and shall be in effect for no longer than twenty-four months after the effective date.".

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

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c), and 22 U.S.C. 2674; and for expenses of general administration; $1,705,600,000: Provided, That of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), fees may be collected during fiscal years 1998 and 1999 under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal years 1998 and 1999 as an offsetting collection to appropriations made under this heading to recover the costs as set forth under section 140(a)(2) of that Act and shall remain available until expended.

In addition to funds otherwise available, of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and $17,312,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended.

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

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: Provided, That any transfer pursuant to this sentence shall be treated as a reprogramming of funds under section 605 of this Act and shall not be

available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for counterterrorism requirements overseas, including security guards and equipment, $23,700,000, to remain available until expended.

SALARIES AND EXPENSES

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

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $86,000,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

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

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,200,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $7,900,000, to remain available until September 30, 1999.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $404,000,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

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

REPATRIATION LOANS PROGRAM ACCOUNT

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

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $14,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

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

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $955,515,000, of which not to exceed $54,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the United States assessed share of the United Nations regular budget to 20 percent and of peacekeeping operations to 25 percent; reimbursement for goods and services provided by the United States to the United Nations; certification that the United Nations and its specialized or affiliated agencies have not taken any action to infringe on the sovereignty of the United States; a ceiling on United States contributions to international organizations after fiscal year 1998 of $900,000,000; establishment of a merit-based personnel system at the United Nations that includes a code of conduct and a personnel evaluation system; United States membership on the Advisory Committee on Administrative and Budgetary Questions that oversees the United Nations budget; access to United Nations financial data by the General Accounting Office; and achievement of a negative growth budget and the establishment of independent inspectors general for affiliated organizations; and improved consultation procedures with the Congress: Provided further, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 and under such other requirements related to the Office of Internal Oversight Services of the United Nations as may be enacted into law for fiscal year 1998: Provided further, That certification under section 401(b) of Public Law 103–236 for fiscal year 1998 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six-month period elsewhere in the United Nations budget and cause the United Nations to exceed the expected reform budget for the biennium 1998–1999 of $2,533,000,000: Provided further, That not to exceed $12,000,000 shall be transferred from funds made available under this heading to the "International Conferences and Contingencies" account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, provided that such transferred funds are obligated or expended only for Commission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing internationally-based monitoring systems involved in cooperative data sharing agreements with the United States as of date of enactment of this Act, until the U.S. Senate ratifies the Comprehensive Nuclear Test Ban Treaty.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security $256,000,000, of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act described in the first proviso under the heading "Contributions to International Organizations" in this title: Provided further, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

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

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico,

and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $17,490,000.

CONSTRUCTION

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

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182; $5,490,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

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

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, $8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $41,500,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the unexpended balances previously appropriated under this heading, $700,000 are rescinded.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

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

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $197,731,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): Provided, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other provision of law, fees from educational advising and counseling.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

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

ISRAELI ARAB SCHOLARSHIP PROGRAM

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

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities, $364,415,000, of which $12,100,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e), to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

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

RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $40,000,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054-2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $12,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $1,500,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democacy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

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

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

SEC. 403. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

SEC. 404. (a)(1) For purposes of implementing the International Cooperative Administrative Support Services program in fiscal year 1998, the amounts referred to in paragraph (2) shall be transferred in accordance with the provisions of subsection (b).

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

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

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

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

(1) Appropriations for the Legislative Branch—

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

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

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

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

(4) Appropriations for the Department of Justice—

(A) for legal activities—

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

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

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

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

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

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

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

(7) Appropriations to the President—

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

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

(C) for the Agency for International Development—

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

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

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

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

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

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

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

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

(E) for the Department of State—

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

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

(8) Appropriations for the Department of Defense—

(A) for operation and maintenance—

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

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

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

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

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

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

(10) Appropriations for the Department of Agriculture—

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

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

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

(11) Appropriations for the Department of Treasury—

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

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

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

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

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

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

(12) Appropriations for the Department of Transportation—

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

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

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

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

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

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

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

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

(16) Appropriations for the Department of the Interior—

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

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

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

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

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

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

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

(21) Appropriations for the Department of Energy—

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

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

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

(c)(1) The amount in subsection (a)(2)(A) is reduced by $2,800,000.

(2) Each amount in subsection (b) is reduced on a pro rata basis in the same proportion as $2,800,000 bears to $112,462,000, rounded to the nearest thousand.

SEC. 405. (a) An employee who regularly commutes from his or her place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization adjustment equal to the amount of comparability payments under section 5304 of title V, United States Code, that he or she would receive if assigned to an official duty station within the United States locality pay area closest to the employee's official duty station.

(b) For purposes of this section, the term "employee" shall mean a person who—

(1) is an "employee" as defined under section 2105 of title V, United States Code, and

(2) is employed by the United States Department of State, the United States Information Agency, the United States Agency for International Development, or the International Joint Commission, except that the term shall not include members of the Foreign Service as defined by section 103 of the Foreign Service Act of 1980 (P.L. 96–465), section 3903 of title 22 of the United States Code.

(c) An equalization adjustment payable under this section shall be considered basic pay for the same purposes as are comparability payments under section 5304 of title V, United States Code, and its implementing regulations.

(d) The agencies referenced in subsection (c)(2) are authorized to promulgate regulations to carry out the purposes of this section.

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

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies, as authorized by the Merchant Marine Act, 1936, as amended, $51,030,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $35,500,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $67,600,000: Provided, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $32,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,725,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

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

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

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $250,000, as authorized by Public Law 99–83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

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

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

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

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

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

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $186,514,000, of which not to exceed $300,000 shall remain available until September 30, 1999, for research and policy studies: Provided, That $162,523,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation estimated at $23,991,000: Provided further, That any offsetting collections received in excess of $162,523,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

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

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $88,500,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $18,500,000, to remain available until expended: Provided further, That any fees received in excess of $70,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $283,000,000, of which $274,400,000 is for basic field programs and required independent audits; $1,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $7,100,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

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

(b) INAPPLICABILITY OF CERTAIN PROCEDURES.—Sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 2996j) shall not apply to the provision, denial, suspension, or termination of any financial assistance using funds appropriated in this Act.

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

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

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

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

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

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

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

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

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

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

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

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

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

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

SEC. 504. (a) DEBARMENT.—The Legal Services Corporation may debar a recipient, on a showing of good cause, from receiving an additional award of financial assistance from the Corporation. Any such action to debar a recipient shall be instituted after the Corporation provides notice and an opportunity for a hearing to the recipient.

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

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

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

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

(3) substantial violation by the recipient of the statutory or regulatory restrictions that prohibit recipients from using financial assistance made available by the Legal Services Corporation or other financial assistance for purposes prohibited under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or for involvement in any activity prohibited by, or inconsistent with, section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), section 502(a)(2) of Public Law 104–208 (110 Stat. 3009–59 et seq.), or section 502(a)(2) of this Act;

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

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

SEC. 505. (a) Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(b) Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in semiannual reports, the following information about each case filed by its attorneys in any court:

(1) The name and full address of each party to the legal action unless such information is protected by an order or rule of a court or by State or Federal law or revealing such information would put the client of the recipient of such Federal funds at risk of physical harm.

(2) The cause of action in the case.

(3) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(c) The case information disclosed in semi-annual reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.

SEC. 506. In establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,185,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $283,000,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance, (2) any travel and transportation to or from such meetings, and (3) any other related lodging or subsistance: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: Provided further, That not to exceed $249,523,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated from the General Fund for fiscal year 1998 under this heading shall be reduced as all such offsetting fees are deposited to this appropriation so as to result in a final total fiscal year 1998 appropriation from the General Fund estimated at not more than $33,477,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $254,200,000, of which: $3,000,000 shall be available for a grant to Lackawanna County, Pennsylvania for infrastructure development to assist in small business development; $3,000,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; $2,000,000 shall be for a grant to Western Carolina University to develop a facility to assist in small business and rural economic development; $1,500,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; $1,000,000 shall be for a grant for the Genesis Small Business Incubator Facility, Fayetteville, Arkansas; and $500,000 shall be available for a continuation grant to the Center for Entrepreneurial Opportunity in Greensburg, Pennsylvania, to provide for small business consulting and assistance: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $75,800,000 shall be available to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

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

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, $181,232,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 1999: Provided, That such costs, including the cost of modifying such loans, shall

be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 1998, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended: Provided further, That during fiscal year 1998, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act.

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

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $23,200,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $150,000,000, including not to exceed $500,000 for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums shall be transferred to and merged with appropriations for the Office of the Inspector General.

SURETY BOND GUARANTEES REVOLVING FUND

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

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

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

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $6,850,000, to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

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

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

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

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

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

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

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

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

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

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

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for: (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days the following:

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

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

(ii) Recovering and repatriating American remains.

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

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

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

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

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

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

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

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

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

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102-567: Provided, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are paid by the entity at the time of retirement or separation.

SEC. 616. (a) None of the funds made available in this Act may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length or of more than 750 gross registered tons, and that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower—

(1) as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); or

(2) that would allow such a vessel to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States (except territories), unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997 and such fishery endorsement was not surrendered at any time thereafter.

(b) Any fishing permit or authorization issued or renewed prior to the date of the enactment of this Act for a fishing vessel to which the prohibition in subsection (a)(1) applies that would allow such vessel to engage in fishing for Atlantic mackerel or herring (or both) during fiscal year 1998 shall be null and void, and none of the funds made available in this Act may be used to issue a fishing permit or authorization that would allow a vessel whose permit or authorization was made null and void pursuant to this subsection to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States.

SEC. 617. During fiscal year 1998 and in any fiscal year thereafter, the court, in any criminal case (other than a case in which the defendant is represented by assigned counsel paid for by the public) pending on or after the date of the enactment of this Act, may award to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation expenses, where the court finds that the position of the United States was vexatious, frivolous, or in bad faith, unless the court finds that special circumstances make such an award unjust. Such awards shall be granted pursuant to the procedures and limitations (but not the burden of proof) provided for an award under section 2412 of title 28, United States Code. To determine whether or not to award fees and costs under this section, the court, for good cause shown, may receive evidence ex parte and in camera (which shall include the submission of classified evidence or evidence that reveals or might reveal the identity of an informant or undercover agent or matters occurring before a grand jury) and evidence or testimony so received shall be kept under seal. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

SEC. 618. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 619. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

SEC. 620. The second proviso of the second paragraph under the heading "OFFICE OF THE CHIEF SIGNAL OFFICER." in the Act entitled "An Act Making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one", approved May 26, 1900 (31 Stat. 206; chapter 586; 47 U.S.C. 17), is repealed.

SEC. 621. None of the funds appropriated or otherwise made available in this Act shall be used to issue visas to any person who—

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 622. Section 3006 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 251, 269) is hereby repealed. This section shall be deemed a section of the Balanced Budget Act of 1997 for the purposes of section 10213 of that Act (111 Stat. 712), and shall be scored pursuant to paragraph (2) of such section.

SEC. 623. (a) REPORT ON UNIVERSAL SERVICE UNDER THE TELECOMMUNICATIONS ACT OF 1996.—The Federal Communications Commission shall undertake a review of the implementation by the Commission of the provisions of the Telecommunications Act of 1996 (Public Law 104-104) relating to universal service. Such review shall be completed and submitted to the Congress no later than April 10, 1998.

(b) The report required under subsection (a) shall provide a detailed description of the extent to which the Commission interpretations reviewed under paragraphs (1) through (5) are

consistent with the plain language of the Communications Act of 1934 (47 U.S.C. 151 et seq.), as amended by the Telecommunications Act of 1996, and shall include a review of—

(1) the definitions of "information service," "local exchange carrier," "telecommunications," "telecommunications service," "telecommunications carrier," and "telephone exchange service" that were added to section 3 of the Communications Act of 1934 (47 U.S.C. 153) by the Telecommunications Act of 1996 and the impact of the Commission's interpretation of those definitions on the current and future provision of universal service to consumers in all areas of the nation, including high cost and rural areas;

(2) the application of those definitions to mixed or hybrid services and the impact of such application on universal service definitions and support, and the consistency of the Commission's application of those definitions, including with respect to Internet access under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h));

(3) who is required to contribute to universal service under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)) and related existing federal universal service support mechanisms, and of any exemption of providers or exclusion of any service that includes telecommunications from such requirement or support mechanisms;

(4) who is eligible under sections 254(e), 254(h)(1), and 254(h)(2) of the Communications Act of 1934 (47 U.S.C. 254(e), 254(h)(1), and 254(h)(2)) to receive specific federal universal service support for the provision of universal service, and the consistency with which the Commission has interpreted each of those provisions of section 254; and

(5) the Commission's decisions regarding the percentage of universal service support provided by federal mechanisms and the revenue base from which such support is derived.

SEC. 624. Section 6(d)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(d)(1)) is amended by striking the word "fourteen" and inserting in lieu thereof "eight".

SEC. 625. (a) Section 814(g)(1) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 2291 note) is amended by striking "$325,000" and inserting "$370,000".

(b) Section 814(i) of such section is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 626. In addition to amounts otherwise made available for payment of obligations in carrying out 49 U.S.C. 5338(a), $50,000,000 shall remain available until expended and to be derived from the Highway Trust Fund: Provided, That $50,000,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account: Provided further, That subsection (c) of section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998 is amended by inserting after "House and Senate Committees on Appropriations", the following: "and the Senate Committee on Commerce, Science, and Transportation".

SEC. 627. (a) Section 501(c)(4) of the District of Columbia Police and Firemen's Act of 1958, (District of Columbia Code, section 4–416(c)(4)), is amended by striking "locality pay" and inserting "longevity pay".

(b) The amendment made by section (a) is effective on the date of enactment of Public Law 105–61.

SEC. 628. Section 19(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(a)) is amended to read as follows:

"(a) Subject to section 18, there are authorized to be appropriated, for fiscal year 1998, and for each fiscal year thereafter, an amount equal to the amount of funds derived from the assessments authorized by section 18(a).".

SEC. 629. (a) IN GENERAL.—The Secretary of Energy shall—

(1) convey, without consideration, to the Incorporated County of Los Alamos, New Mexico (in this section referred to as the "County"), or to the designee of the County, fee title to the parcels of land that are allocated for conveyance to the County in the agreement under subsection (e); and

(2) transfer to the Secretary of the Interior, in trust for the Pueblo of San Ildefonso (in this section referred to as the "Pueblo"), administrative jurisdiction over the parcels that are allocated for transfer to the Secretary of the Interior in such agreement.

(b) PRELIMINARY IDENTIFICATION OF PARCELS OF LAND FOR CONVEYANCE OR TRANSFER.—(1) Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report identifying the parcels of land under the jurisdiction or administrative control of the Secretary at or in the vicinity of Los Alamos National Laboratory that are suitable for conveyance or transfer under this section.

(2) A parcel is suitable for conveyance or transfer for purposes of paragraph (1) if the parcel—

(A) is not required to meet the national security mission of the Department of Energy or will not be required for that purpose before the end of the 10-year period beginning on the date of enactment of this Act;

(B) is likely to be conveyable or transferable, as the case may be, under this section not later than the end of such period; and

(C) is suitable for use for a purpose specified in subsection (h).

(c) REVIEW OF TITLE.—(1) Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of a title search on each parcel of land identified as suitable for conveyance or transfer under subsection (b), including an analysis of any claims against or other impairments to the fee title to each such parcel.

(2) In the period beginning on the date of the completion of the title search with respect to a parcel under paragraph (1) and ending on the date of the submittal of the report under that paragraph, the Secretary shall take appropriate actions to resolve the claims against or other impairments, if any, to fee title that are identified with respect to the parcel in the title search.

(d) ENVIRONMENTAL RESTORATION.—(1) Not later than 21 months after the date of enactment of this Act, the Secretary shall—

(A) identify the environmental restoration or remediation, if any, that is required with respect to each parcel of land identified under subsection (b) to which the United States has fee title;

(B) carry out any review of the environmental impact of the conveyance or transfer of each such parcel that is required under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) submit to Congress a report setting forth the results of the activities under subparagraphs (A) and (B).

(2) If the Secretary determines under paragraph (1) that a parcel described in paragraph (1)(A) requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the parcel not later than 10 years after the date of enactment of this Act.

(e) AGREEMENT FOR ALLOCATION OF PARCELS.—As soon as practicable after completing the review of titles to parcels of land under subsection (c), but not later than 90 days after the submittal of the report under subsection (d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo the parcels identified for conveyance or transfer under subsection (b).

(f) PLAN FOR CONVEYANCE AND TRANSFER.—(1) Not later than 90 days after the date of the submittal to the Secretary of Energy of the agreement under subsection (e), the Secretary shall submit to the congressional defense committees a plan for conveying or transferring parcels of land under this section in accordance with the allocation specified in the agreement.

(2) The plan under paragraph (1) shall provide for the completion of the conveyance or transfer of parcels under this section not later than 9 months after the date of the submittal of the plan under that paragraph.

(g) CONVEYANCE OR TRANSFER.—(1) Subject to paragraphs (2) and (3), the Secretary shall convey or transfer parcels of land in accordance with the allocation specified in the agreement submitted to the Secretary under subsection (e).

(2) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with the requirement in subsection (f)(2) by reason of its requirement to meet the national security mission of the Department, the Secretary shall convey or transfer the parcel, as the case may be, when the parcel is no longer required for that purpose.

(3)(A) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with such requirement by reason of requirements for environmental restoration or remediation, the Secretary shall convey or transfer the parcel, as the case may be, upon the completion of the environmental restoration or remediation that is required with respect to the parcel.

(B) If the Secretary determines that environmental restoration or remediation cannot reasonably be expected to be completed with respect to a parcel by the end of the 10-year period beginning on the date of enactment of this Act, the Secretary shall not convey or transfer the parcel under this section.

(h) USE OF CONVEYED OR TRANSFERRED LAND.—The parcels of land conveyed or transferred under this section shall be used for historic, cultural, or environmental preservation purposes, economic diversification purposes, or community self-sufficiency purposes.

(i) TREATMENT OF CONVEYANCES AND TRANSFERS.—(1) The purpose of the conveyances and transfers under this section is to fulfill the obligations of the United States with respect to Los Alamos National Laboratory, New Mexico, under sections 91 and 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391, 2394).

(2) Upon the completion of the conveyance or transfer of the parcels of land available for conveyance or transfer under this section, the Secretary shall make no further payments with respect to Los Alamos National Laboratory under section 91 or section 94 of the Atomic Energy Community Act of 1955.

(j) REPEAL OF SUPERSEDED PROVISION.—In the event of the enactment of the National Defense Authorization Act for Fiscal Year 1998 by reason of the approval of the President of the conference report to accompany the bill (H.R.1119) of the 105th Congress, section 3165 of such Act is repealed.

SEC. 630. (a) Section 6906 of title 31, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Necessary"; and

(2) by adding at the end the following:

"(b) LOCAL EXEMPTIONS FROM USER FEES DUE TO INSUFFICIENT APPROPRIATIONS.—

"(1) IN GENERAL.—Unless sufficient funds are appropriated for a fiscal year to provide full payments under this chapter to each unit of general local government that lies in whole or in part within the White Mountain National Forest and is eligible for the payments, persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

"(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from requirements to pay user fees under paragraph (1).".

SEC. 631. Section 512(b) of Public Law 105-61 is amended by adding before the period: "unless the President announced his intent to nominate the individual prior to November 30, 1997".

SEC. 632. Transfers of Unobligated Highway Apportionments. (a) IN GENERAL.—Notwithstanding any other provision of law, for fiscal year 1998, a State may transfer any funds apportioned to the State for any program under section 104 (including amounts apportioned under section 104(b)(3) or set aside or suballocated under section 133(d)), 144, or 402 of title 23, United States Code, granted to the State for any program under section 410 of that title, or allocated to the State for any program under chapter 311 of title 49, United States Code, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to the surface transportation program under section 133 of title 23, United States Code, other than paragraphs (1) and (2) of section 133(d) of that title, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary of Transportation (referred to in this section as the "Secretary") shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are no longer authorized may be restored to the Federal-aid highway program.

(d) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—The Secretary shall allocate to a State an amount of obligation authority made available under the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66; 111 Stat. 1425), that is not greater than 75 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program until the earlier of—

(A) such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted; or

(B) July 1, 1998.

(2) CONTRACT AUTHORITY.—No contract authority made available to the States before July 1, 1998, shall be obligated after that date until such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted.

(e) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

SEC. 633. ADMINISTRATIVE EXPENSES FOR FEDERAL-AID HIGHWAY PROGRAM AND BUREAU OF TRANSPORTATION STATISTICS. (a) AUTHORITY TO BORROW.—

(1) FROM UNOBLIGATED FUNDS AVAILABLE FOR DISCRETIONARY ALLOCATIONS.—If unobligated balances of funds deducted by the Secretary of Transportation (referred to in this section as the "Secretary") under section 104(a) of title 23, United States Code, for administrative and research expenses of the Federal-aid highway program are insufficient to pay those expenses and the amounts necessary for operation of the Bureau of Transportation Statistics for fiscal year 1998, the Secretary may borrow to pay those expenses and amounts not to exceed $211,000,000 from unobligated funds available to the Secretary for discretionary allocations.

(2) FROM CERTAIN UNOBLIGATED BALANCES.—If unobligated funds available to the Secretary for discretionary allocations are insufficient for the purposes described in paragraph (1), the Secretary may borrow for those purposes not to exceed $211,000,000 from the unobligated balances of funds apportioned or allocated to the States for the Federal-aid highway program.

(b) REQUIREMENT TO REIMBURSE.—Funds borrowed under subsection (a) shall be reimbursed from amounts made available to the Secretary under section 104(a) of title 23, United States Code, as soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

SEC. 634. EXTENSION OF FEDERAL TRANSIT PROGRAMS. (a) Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087-2140) is amended by adding at the end the following:

"SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.

"(a) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting ', and for the period of October 1, 1997, through March 31, 1998' after '1997'.

"(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 5337 of title 49, United States Code, is amended—

"(1) in subsection (a), by inserting 'and for the period of October 1, 1997, through March 31, 1998,' after '1997,'; and

"(2) by adding at the end the following:

"'(e) SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).'.

"(c) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

"(1) in subsection (a)—

"(A) in paragraph (1), by adding at the end the following:

"'(F) $1,349,395,000 for the period of October 1, 1997, through March 31, 1998.'; and

"(B) in paragraph (2), by adding at the end the following:

"'(F) $369,000,000 for the period of October 1, 1997, through March 31, 1998.';

"(2) in subsection (b)(1), by adding at the end the following:

"'(F) $1,110,605,000 for the period of October 1, 1997, through March 31, 1998.';

"(3) in subsection (c), by inserting 'and not more than $1,500,000 for the period of October 1, 1997, through March 31, 1998,' after '1997,';

"(4) in subsection (e), by inserting 'and not more than $3,000,000 is available from the Fund (except the Account) for the Secretary for the period of October 1, 1997, through March 31, 1998,' after '1997,';

"(5) in subsection (h)(3), by inserting 'and $3,000,000 is available for section 5317 for the period of October 1, 1997, through March 31, 1998' after '1997';

"(6) in subsection (j)(5)—

"(A) in subparagraph (B), by striking 'and' at the end;

"(B) in subparagraph (C), by striking the period at the end and inserting '; and'; and

"(C) by adding at the end the following:

"'(D) the lesser of $1,500,000 or an amount that the Secretary determines is necessary is available to carry out section 5318 for the period of October 1, 1997, through March 31, 1998.';

"(7) in subsection (k), by striking 'or (e)' and inserting '(e), or (m)'; and

"(8) by adding at the end the following:

"'(m) SECTION 5316 FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period of October 1, 1997, through March 31, 1998:

"'(1) $125,000 to carry out section 5316(a).

"'(2) $1,500,000 to carry out section 5316(b).

"'(3) $500,000 to carry out section 5316(c).

"'(4) $500,000 to carry out section 5316(d).

"'(5) $500,000 to carry out section 5316(e).'.".

(b) BUDGET SCOREKEEPING.—For purposes of the Congressional Budget Act of 1974, as amended, the Balanced Budget and Emergency Deficit Control Act, as amended, and the Budget Enforcement Act of 1997, as amounts provided or otherwise made available in this section shall be treated as "direct spending" in an authorization Act.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading on September 30, 1997, $100,000,000 are rescinded.

TITLE VIII—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities"; for emergency expenses to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act for the Bristol Bay and Kuskokwim areas of Alaska, $7,000,000 to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that the Secretary of Commerce transmits a determination that there is a commercial fishery failure.

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

DIVISION C—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within

the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $683,000,000 to remain available until September 30, 2001: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until 2013 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1998 and 1999: Provided further, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $48,614,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1998.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $32,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $60,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1998 and 1999: Provided further, That such sums shall remain available through fiscal year 2006 for the disbursement of direct and guaranteed loans obligated in fiscal year 1998, and through fiscal year 2007 for the disbursement of direct and guaranteed loans obligated in fiscal year 1999: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $41,500,000, to remain available until September 30, 1999: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 1999, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1998, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $650,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; (7) up to $98,000,000 for basic education programs for children; and (8) a contribution on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of the Foreign Assistance Act of 1961.

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,210,000,000, to remain available until September 30, 1999: Provided, That of the amount appropriated under this heading, up to $22,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that Agency: Provided further, That of the amount appropriated under this heading, up to $14,000,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, not to exceed $2,500,000 shall be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That none of the funds made available under this heading may be used for

any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES).

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98–473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $5,000,000 shall be made available to support activities in Burma, along the Burma-Thailand border, and for activities of Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CAMBODIA

None of the funds appropriated in this Act may be made available for the Government of Cambodia: Provided, That the restrictions under this heading shall not apply to humanitarian, demining or election-related programs or activities: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That 30 days after enactment of this Act, the President shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $190,000,000, to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961; of modifying concessional loans extended to least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended; and of modifying any obligation, or portion of such obligation for Latin American countries to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501); $27,000,000, to remain available until expended: Provided, That not to exceed $1,500,000 of such funds may be used for implementation of improvements in the foreign credit reporting system of the United States government.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 1999.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, including the cost of guaranteed loans designed to promote the urban and environmental policies and objectives of part I of such Act, $3,000,000, to remain available until September 30, 1999: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $6,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Central and Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,208,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $473,000,000: Provided, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $29,047,000, to remain available until September 30, 1999, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,400,000,000, to remain available until September 30, 1999: Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for Jordan: Provided further, That of the funds made available under this heading in previous Acts making appropriations for foreign operations, export financing, and related programs, notwithstanding any provision in any such heading in such previous Acts, up to $116,000,000 may be allocated or made available for programs and activities under this heading including the Middle East Peace and Stability Fund: Provided further, That in carrying out the previous proviso, the President should seek to ensure to the extent feasible that not more than 1 percent of the amount specified in section 586 of this Act should be derived from funds that would otherwise be made available for any single country: Provided further, That funds provided for the Middle East Peace and Stability Fund by a country in the region under the authority of section 635(d) of the Foreign Assistance Act of 1961, and funds made available for Jordan following the date of enactment of this Act from previous Acts making appropriations for foreign operations, export financing, and related programs, shall count toward meeting the earmark contained in the fourth proviso under this heading: Provided further, That up to $10,000,000 of funds under this heading in previous foreign operations, export financing, and related programs appropriations Acts that were reprogrammed for Jordan during fiscal year 1997 shall also count toward such earmark: Provided further, That, in order to facilitate the implementation of the fourth proviso under this heading, the requirement of section 515 of this Act or any similar provision of law shall not apply to

the making available of funds appropriated for a fiscal year for programs, projects, or activities that were justified for another fiscal year: Provided further, That for fiscal year 1998 such portions of the notification required under section 653 of the Foreign Assistance Act of 1961 that relate to the Middle East may be submitted to the Congress as soon as practicable, but no later than March 1, 1998: Provided further, That during fiscal year 1998, of the local currencies generated from funds made available under this heading for Guatemala by this Act and prior Appropriations Acts, the United States and Guatemala may jointly program the Guatemala quetzales equivalent of a total of up to $10,000,000 for the purpose of retiring the debt owed by universities in Guatemala to the Inter-American Development Bank.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 1999.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $485,000,000, to remain available until September 30, 1999, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 532 of this Act shall apply.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

(g) Not to exceed $200,000,000 of the funds appropriated under this heading may be made available for Bosnia and Herzegovina exclusive of assistance for police training.

(h) Not to exceed $7,000,000 of the funds made available for Bosnia and Herzegovina may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees for said country.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $770,000,000, to remain available until September 30, 1999: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be made available to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment;

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures; and

(3) funds may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(c) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian and refugee relief.

(d) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining, or nonproliferation programs.

(e) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(f) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(g) Funds appropriated under title II of this Act, including funds appropriated under this heading, may be made available for assistance for Mongolia: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under this heading or in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(i) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program proposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(j)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of Russia, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Notwithstanding paragraph (1) assistance may be provided for the Government of Russia if the President determines and certifies to the Committees on Appropriations that making such funds available (A) is vital to the national security interest of the United States, and (B) that the Government of Russia is taking meaningful steps to limit major supply contracts and to curtail the transfer of technology and technological expertise related to activities referred to in paragraph (1).

(k) Of the funds appropriated under this heading, not less than $225,000,000 shall be made available for Ukraine, which sum shall be provided with the understanding that Ukraine will undertake significant economic reforms which are additional to those which were undertaken in the previous fiscal year: Provided, That 50 percent of the amount made available in this subsection, exclusive of funds made available for election related initiatives and nuclear reactor safety activities, shall be withheld from obligation and expenditure until the Secretary of State determines and certifies no later than April 30, 1998, that the Government of Ukraine has made significant progress toward resolving complaints made by United States investors to the United States embassy prior to April 30, 1997: Provided further, That funds made available under this subsection, and funds appropriated for Ukraine in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 as contained in Public Law 104–208 shall be made available to complete the preparation of safety analysis reports at each nuclear reactor in Ukraine over the next three years.

(l) Of the funds appropriated under this heading, not less than $250,000,000 shall be made available for assistance for the Southern Caucasus region: Provided, That of the funds provided under this subsection 37 percent shall be made available for Georgia and 35 percent shall be made available for Armenia: Provided further, That of the funds made available for the Southern Caucasus region, 28 percent should be used for reconstruction and remedial activities relating to the consequences of conflicts within the region, especially those in the vicinity of Abkhazia and Nagorno-Karabakh: Provided further, That if the Secretary of State after May 30, 1998, determines and reports to the relevant Committees of Congress that the full amount of reconstruction and remedial funds that may be made available under the previous proviso cannot be effectively utilized, up to 62.5 percent of the amount provided under the previous proviso for reconstruction and remediation may be used for other purposes under this heading.

(m) Funds provided under the previous subsection shall be made available for humanitarian assistance for refugees, displaced persons, and needy civilians affected by the conflicts in the Southern Caucasus region, including those in the vicinity of Abkhazia and Nagorno-Karabakh, notwithstanding any other provision of this or any other Act.

(n) Funds made available under this Act or any other Act may not be provided for assistance to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh: Provided, That the restriction of this subsection and section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421); and

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity.

(o) None of the funds appropriated under this heading or in prior appropriations legislation may be made available to establish a joint public-private entity or organization engaged in the management of activities or projects supported by the Defense Enterprise Fund.

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $222,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1999.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $215,000,000: Provided, That during fiscal year 1998, the Department of State may also use the authority of section 608 of the Act, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That not later than sixty days after the date of enactment of this Act, the Secretary of State in consultation with the Director of the Office of National Drug Control Policy shall submit a report to the Committees on Appropriations containing: (1) a list of all countries in which the United States carries out international counter-narcotics activities; (2) the number, mission and agency affiliation of United States personnel assigned to each such country; and (3) all costs and expenses obligated for each program, project or activity by each United States agency in each country: Provided further, That of the amount made available under this heading not to exceed $5,000,000 shall be allocated to operate the Western Hemisphere International Law Enforcement Academy: Provided further, That 10 percent of the funds appropriated under this heading shall not be available for obligation until the Secretary of State submits a report to the Committees on Appropriations providing a financial plan for the funds appropriated under this heading and under the heading "Narcotics Interdiction".

NARCOTICS INTERDICTION

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $15,000,000, to remain available until expended, in addition to amounts otherwise available for such purposes, which shall be available for assistance, including procurement, for support of air drug interdiction and eradication and other related purposes: Provided, That funds appropriated under this heading shall be made available subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $650,000,000: Provided, That not more than $12,000,000 shall be available for administrative expenses: Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

REFUGEE RESETTLEMENT ASSISTANCE

For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $5,000,000.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $133,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO): Provided, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That not to exceed $30,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: Provided further, That such funds may be obligated to KEDO only if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that: (1)(A) the parties to the Agreed Framework are taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with the other provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors and that such canning and safe storage is scheduled to be completed by April 1, 1998; and (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended: Provided further, That the President may waive the certification requirements of the preceding proviso if the President determines that it is vital to the national security interests of the United States: Provided further, That no funds may be obligated for KEDO until thirty calendar days after submission to Congress of the waiver permitted under the preceding proviso: Provided further, That the obligation of any funds for KEDO shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of the Korean Peninsula Energy Development Organization, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the

amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities: Provided further, That of the funds made available under this heading, up to $10,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO), in addition to funds otherwise made available under this heading for KEDO, if the Secretary of State certifies and reports to the Committees on Appropriations that, except for the funds made available under this proviso, funds sufficient to cover all outstanding debts owed by KEDO for heavy fuel oil have been provided to KEDO by donors other than the United States.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading may be made available to support grant financed military education and training at the School of the Americas unless: (1) the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel; (2) the Secretary of Defense certifies that the Secretary of State, in consultation with the Secretary of Defense, has developed and issued specific guidelines governing the selection and screening of candidates for instruction at the School of the Americas; and (3) the Secretary of Defense submits to the Committees on Appropriations a report detailing the training activities of the School of the Americas and a general assessment regarding the performance of its graduates during 1996.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,296,550,000: Provided, That of the funds appropriated under this heading, not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 shall be available for assistance for Jordan: Provided further, That during fiscal year 1998 the President is authorized to, and shall, direct drawdowns of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $25,000,000 under the authority of this proviso for Jordan for the purposes of part II of the Foreign Assistance Act of 1961, and any amount so directed shall count toward meeting the earmark in the previous proviso: Provided further, That section 506(c) of the Foreign Assistance Act of 1961 shall apply, and section 632(d) of the Foreign Assistance Act of 1961 shall not apply, to any such drawdown: Provided further, That of the funds appropriated by this paragraph, a total of $18,300,000 should be available for assistance for Estonia, Latvia, and Lithuania: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That $50,000,000 of the funds appropriated or otherwise made available under this heading should be made available for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $60,000,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $657,000,000: Provided further, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: Provided further, That funds appropriated under this paragraph shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $105,000,000 only for Greece and $150,000,000 only for Turkey.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $23,250,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That none of the funds under this heading shall be available for Guatemala: Provided further, That not more than $350,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1998 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $77,500,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $47,500,000, to remain available until September 30, 1999.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,034,503,100, to remain available until expended, of which $234,503,100 shall be available to pay for the tenth replenishment: Provided, That none of the funds may be obligated or made available until the Secretary of the Treasury certifies to the Committees on Appropriations that procurement restrictions applicable to United States firms under the terms of the Interim Trust Fund have been lifted from all funds which Interim Trust Fund donors proposed to set aside for review of procurement restrictions at the conclusion of the February 1997 IDA Deputies Meeting in Paris.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667, and for the United States share of the increase in the resources of the Fund for Special Operations, $20,835,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $30,000,000 to remain available until expended, which shall be available for contributions previously due.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $150,000,000, of which $50,000,000 shall be available for contributions previously due, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $45,000,000, to remain available until expended and which shall be available for contributions previously due.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $56,500,000, to remain available until expended of which $250,000 shall be available for contributions previously due: Provided, That none of the funds appropriated under this heading that are made available for the Community Adjustment and Investment Program shall be used for purposes other than those set out in the binational agreement establishing the Bank: Provided further, That of the amount appropriated under this heading, not more than $41,250,000 may be expended for the purchase of such capital shares in fiscal year 1998.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not to exceed $318,750,000.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $192,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $25,000,000 of the funds appropriated under this heading may be made available to UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1998, and that no later than February 15, 1998, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1998: Provided further, That any amount UNFPA plans to spend in the People's Republic of China in 1998 shall be deducted from the amount of funds provided to UNFPA after March 1, 1998, pursuant to the previous provisos: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA): Provided further, That not less than $4,000,000 should be made available to the World Food Program.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, as amended, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings

under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1998, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1998.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua and Liberia, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Disease Programs Fund", "Development Assistance", "International organizations and programs", "Trade and Development Agency", "International narcotics control", "Narcotics interdiction", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, anti-terrorism, demining and related programs", "Foreign Military Financing Program", "International military education and training", "Peace Corps", "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: Provided, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1999.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

REPORTING REQUIREMENT

SEC. 519. Section 25 of the Arms Export Control Act is amended—

(1) in subsection (a), by striking "Congress" and inserting in lieu thereof "appropriate congressional committees";

(2) in subsection (b), by striking "the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives" and inserting in lieu thereof "any of the congressional committees described in subsection (e)"; and

(3) by adding the following subsection:

"(e) As used in this section, the term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.".

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, Haiti, Liberia, Pakistan, Panama, Peru, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, basic education, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival, and basic education activities, and activities relating to research on, and the treatment and control of acquired immune deficiency syndrome in developing countries: Provided, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1997" and inserting in lieu thereof "1998".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 530. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local

currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 535. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

EXTENSION OF AUTHORITY TO OBLIGATE FUNDS TO CLOSE THE SPECIAL DEFENSE ACQUISITION FUND

SEC. 536. Title III of Public Law 103–306 is amended under the heading "Special Defense Acquisition Fund" by striking "1998" and inserting "2000".

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 537. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 538. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 539. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia and Herzegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 540. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing; and

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 541. (a) Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a) for Bolivia, Colombia, and Peru may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 542. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 and 11 of part I, and chapter 4 of part II, of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1998, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 543. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 544. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 545. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: Provided, That not to exceed $500,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 546. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the Sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 547. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 548. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 549. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 550. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance estimated to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 551. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

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

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 552. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 553. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $25,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That sixty days after the date of enactment of this Act, and every one hundred eighty days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

LANDMINES

SEC. 554. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That not later than 90 days after the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit a report to the Committees on Appropriations describing potential alternative technologies or tactics and a plan for the development of such alternatives to protect anti-tank mines from tampering in a manner consistent with the "Convention on the Prohibition, Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction".

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 555. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 556. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

EQUITABLE ALLOCATION OF FUNDS

SEC. 557. Not more than 18 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 558. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act;

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 559. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification,

as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 560. (a) AUTHORIZATIONS.—The Secretary of the Treasury may, to fulfill commitments of the United States: (1) effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) $285,772,500 for paid-in capital, and $984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) $1,600,000,000 for the International Development Association; (3) $400,000,000 for the Asian Development Fund; and (4) $76,832,001 for paid-in capital, and $4,511,156,729 for callable capital of the Inter-American Development Bank in connection with the eighth general increase in the resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.

(b) CONSIDERATION OF ENVIRONMENTAL IMPACT OF INTERNATIONAL FINANCE CORPORATION LOANS.—Section 1307 of the International Financial Institutions Act (Public Law 95–118) is amended as follows:

(1) in subsection (a)(1)(A) strike "borrowing country" and insert in lieu thereof "borrower";

(2) in subsection (a)(2)(A) strike "country"; and

(3) at the end of Section 1307, add a new subsection as follows:

"(g) For purposes of this section, the term 'multilateral development bank' means any of the institutions named in Section 1303(b) of this Act, and the International Finance Corporation.".

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to use the voice and vote of the United States to strongly encourage their respective institutions to—

(1) provide timely public information on procurement opportunities available to United States suppliers, with a special emphasis on small business; and

(2) systematically consult with local communities on the potential impact of loans as part of the normal lending process, and expand the participation of affected peoples and nongovernmental organizations in decisions on the selection, design and implementation of policies and projects.

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

SEC. 561. (a) BILATERAL ASSISTANCE.—The President is authorized to withhold funds appropriated by this Act under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which knowingly grants sanctuary to persons in its territory for the purpose of evading prosecution, where such persons—

(1) have been indicted by the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law; or

(2) have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government; or

(D) any government which was an ally of the Nazi government of Germany.

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 562. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Haiti unless the President reports to Congress that the Government of Haiti—

(1) is conducting thorough investigations of extrajudicial and political killings;

(2) is cooperating with United States authorities in the investigations of political and extrajudicial killings;

(3) has substantially completed privatization of (or placed under long-term private management or concession) at least three major public enterprises; and

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights.

(b) EXCEPTIONS.—The limitation in subsection (a) does not apply to the provision of humanitarian, electoral, counter-narcotics, or law enforcement assistance.

(c) WAIVER.—The President may waive the requirements of this section on a semiannual basis if the President determines and certifies to the appropriate committees of Congress that such waiver is in the national interest of the United States.

(d) PARASTATALS DEFINED.—As used in this section, the term "parastatal" means a government-owned enterprise.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 563. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1997.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 564. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

ASSISTANCE TO TURKEY

SEC. 565. (a) Not more than $40,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available for Turkey.

(b) Of the funds made available under the heading "Economic Support Fund" for Turkey, not less than fifty percent of these funds shall be made available for the purpose of supporting private nongovernmental organizations engaged in strengthening democratic institutions in Turkey, providing economic assistance for individuals and communities affected by civil unrest, and supporting and promoting peaceful solutions and economic development which will contribute to the settlement of regional problems in Turkey.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 566. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF CROATIA

SEC. 567. None of the funds appropriated or otherwise made available by title II of this Act may be made available to the Government of Croatia to relocate the remains of Croatian Ustashe soldiers, at the site of the World War II concentration camp at Jasenovac, Croatia.

BURMA LABOR REPORT

SEC. 568. Not later than one hundred twenty days after enactment of this Act, the Secretary of Labor in consultation with the Secretary of State shall provide to the Committees on Appropriations a report addressing labor practices in Burma.

HAITI

SEC. 569. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 570. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 571. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the United States expects that the items will not be used in East Timor: Provided, That nothing in this section shall be construed to limit Indonesia's inherent right to legitimate national self-defense as recognized under the United Nations Charter and international law.

TRANSPARENCY OF BUDGETS

SEC. 572. Section 576(a)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended to read as follows:

"(1) does not have in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces and security forces;".

Section 576(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended to read as follows:

"(2) has not provided to the institution information about the audit process requested by the institution.".

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 573. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or canton described in subsection (d).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (d).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (d), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the U.S. position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or canton and a nonsanctioned contiguous country, entity, or canton, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or canton and if the portion of the project located in the sanctioned country, entity, or canton is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by U.S. armed forces that promote good relations between such forces and the officials and citizens of the areas in the U.S. SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement; or

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity.

(2) FURTHER LIMITATIONS.—Notwithstanding paragraph (1)—

(A) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or canton described in subsection (d), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(B) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or canton described in subsection (d) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(d) SANCTIONED COUNTRY, ENTITY, OR CANTON.—A sanctioned country, entity, or canton described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(e) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or canton upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committeee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (e)(1), the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(f) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or canton have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

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

(1) COUNTRY.—The term "country" means Bosnia-Herzegovina, Croatia, and Serbia-Montenegro (Federal Republic of Yugoslavia).

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina and the Republika Srpska.

(3) CANTON.—The term "canton" means the administrative units in Bosnia and Herzegovina.

(4) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(5) TRIBUNAL.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

(h) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this subsection, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the

international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefitting from any financial or technical assistance or grants provided to any country or entity described in subsection (d).

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

SEC. 574. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "and 1997" and inserting "1997, and 1998"; and

(B) in subsection (e), by striking "October 1, 1997" each place it appears and inserting "October 1, 1998"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 1997" and inserting "September 30, 1998".

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 575. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: "and $60,000,000 for fiscal year 1998".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES

SEC. 576. Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: ", including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.".

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT IMPLEMENT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 577. (a) None of the funds appropriated under this Act may be made available for the Government of the Russian Federation unless within 30 days of the date this section becomes effective the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

(b) This section shall become effective one hundred fifty days after the enactment of this Act.

U.S. POLICY REGARDING SUPPORT FOR COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

SEC. 578. (a) FINDINGS.—Congress makes the following findings:

(1) The ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political and economic ties between countries of the South Caucasus and Central Asia and the West will foster stability in the region.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asia will provide positive incentives for international private investment, increased trade, and other forms of commercial interactions with the rest of the world.

(5) The Caspian Sea Basin, overlapping the territory of the countries of the South Caucasus and Central Asia, contains proven oil and gas reserves that may exceed $4,000,000,000,000 in value.

(6) The region of the South Caucasus and Central Asia will produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence of the countries of the South Caucasus and Central Asia.

(b) GENERAL.—The policy of the United States in the countries of the South Caucasus and Central Asia should be—

(1) to promote sovereignty and independence with democratic government;

(2) to assist actively in the resolution of regional conflicts;

(3) to promote friendly relations and economic cooperation;

(4) to help promote market-oriented principles and practices;

(5) to assist in the development of infrastructure necessary for communications, transportation, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(6) to support United States business interests and investments in the region.

(c) DEFINITION.—In this section, the term "countries of the South Caucasus and Central Asia" means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

PAKISTAN

SEC. 579. (a) OPIC.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting ", or Pakistan" after "China".

(b) TRADE AND DEVELOPMENT.—It is the sense of Congress that the Director of the Trade and Development Agency should use funds made available to carry out the provisions of section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to promote United States exports to Pakistan.

REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS

SEC. 580. The President shall provide to the Congress a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international, for fiscal year 1997, planned obligations for such activities in fiscal year 1998, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than November 15, 1997.

AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING

SEC. 581. (a) IN GENERAL.—Section 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) by striking paragraphs (1) and (2)(A) and inserting the following:

"(1) INSURANCE AND FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234 (b) and (c), shall not exceed in the aggregate $29,000,000,000.";

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by amending paragraph (2) (as so redesignated) by striking "September 30, 1997" and inserting "September 30, 1999".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 235(a) of that Act (22 U.S.C. 2195(a)), as redesignated by subsection (a), is further amended by striking "(a) and (b)" and inserting "(a), (b), and (c)".

(c) EXTENSION OF AUTHORITY.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "October 23, 1997" and inserting "September 30, 1998".

(d) TIED AID CREDIT FUND AUTHORITY.—

(a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i 3(c)(2)) is amended by striking "through" and all that follows through "1997".

(b) Section 10(e) of such Act (12 U.S.C. 635i–3(3)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the purposes of this section.".

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 582. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance

Act of 1961 for development assistance or for humanitarian assistance.

(c) WAIVER.—Funds may be provided for a country without regard to subsection (a) if the President determines that to do so is in the national security interest of the United States.

WAR CRIMES PROSECUTION

SEC. 583. Section 2401 of title 18, United States Code (Public Law 104–192; the War Crimes Act of 1996) is amended as follows—

(1) in subsection (a), by striking "grave breach of the Geneva Conventions" and inserting "war crime";

(2) in subsection (b), by striking "breach" each place it appears and inserting "war crime"; and

(3) so that subsection (c) reads as follows:

"(c) DEFINITION.—As used in this section the term 'war crime' means any conduct—

"(1) defined as a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party;

"(2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907;

"(3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party and which deals with non-international armed conflict; or

"(4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians.".

INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAMS FOR LATIN AMERICA

SEC. 584. (a) EXPANDED IMET.—The Secretary of Defense, in consultation with the Secretary of State, should make every effort to ensure that approximately 30 percent of the funds appropriated in this Act for "International Military Education and Training" for the cost of Latin American participants in IMET programs will be disbursed for the purpose of supporting enrollment of such participants in expanded IMET courses.

(b) CIVILIAN PARTICIPATION.—The Secretary of State, in consultation with the Secretary of Defense, should identify sufficient numbers of qualified, non-military personnel from countries in Latin America so that approximately 25 percent of the total number of individuals from Latin American countries attending United States supported IMET programs and the Center for Hemispheric Defense Studies at the National Defense University are civilians.

(c) REPORT.—Not later than twelve months after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall report in writing to the appropriate committees of the Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next three fiscal years.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 585. None of the funds appropriated or otherwise made available by this Act may be provided to the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Congress that the central Government of the Democratic Republic of Congo is cooperating fully with investigators from the United Nations in accounting for human rights violations committed in the Democratic Republic of Congo or adjacent countries.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 586. Of the funds appropriated by this Act under the headings "Economic Support Fund", "Foreign Military Financing", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", not more than a total of $5,402,850,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: Provided, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of enactment of this Act obligated or allocated for other recipients may not during fiscal year 1998 be made available for activities that, if funded under this Act, would be required to count against this ceiling: Provided further, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

AGRICULTURE

SEC. 587. The first proviso of subsection (k) under the heading "Assistance for the New Independent States of the Former Soviet Union" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended by striking "not less than" and inserting in lieu thereof "up to".

ENTERPRISE FUND RESTRICTIONS

SEC. 588. Section 201(l) of the Support for East European Democracy Act (22 U.S.C. 5421(l)) is amended to read as follows:

"(l) LIMITATION ON PAYMENTS TO ENTERPRISE FUND PERSONNEL.—

"(1) No part of the funds of an Enterprise Fund shall inure to the benefit of any board member, officer, or employee of such Enterprise Fund, except as salary or reasonable compensation for services subject to paragraph (2).

"(2) An Enterprise Fund shall not pay compensation for services to—

"(A) any board member of the Enterprise Fund, except for services as a board member; or

"(B) any firm, association, or entity in which a board member of the Enterprise Fund serves as partner, director, officer, or employee.

"(3) Nothing in paragraph (2) shall preclude payment for services performed before the date of enactment of this subsection nor for arrangements approved by the grantor and notified in writing to the Committees on Appropriations.".

CAMBODIA

SEC. 589. The Secretary of the Treasury should instruct the United States Executive Directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 590. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1998 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

SEC. 591. For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees in support of the development objectives of the Foreign Assistance Act of 1961 (FAA), up to $7,500,000, which amount may be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and funds appropriated by this Act under the heading "Assistance for Eastern Europe and the Baltic States", to remain available until expended: Provided, That up to $500,000 of the funds appropriated by this Act under the heading "Operating Expenses of the Agency for International Development" may be made available for administrative expenses to carry out such programs: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to development credit authority) of the Foreign Assistance Act of 1961, as added by section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this paragraph: Provided further, That direct loans or loan guarantees under this paragraph may not be provided until the Director of the Office of Management and Budget has certified to the Committees on Appropriations that the Agency for International Development has established a credit management system capable of effectively managing the credit programs funded under this heading, including that such system (1) can provide accurate and timely provision of loan and loan guarantee data, (2) contains information control systems for loan and loan guarantee data, (3) is adequately staffed, and (4) contains appropriate review and monitoring procedures.

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION OVERSEAS

SEC. 592. (a) PERFORMANCE OF ABORTIONS.—

(1) Notwithstanding section 614 of the Foreign Assistance Act of 1961 or any other provision of law, no funds appropriated to the Agency for International Development for population planning activities or other population assistance for fiscal years 1998 and 1999 may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

(2) Paragraph (1) of this subsection may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

(b) LOBBYING ACTIVITIES.—(1) Notwithstanding section 614 of the Foreign Assistance Act of 1961 or any other provision of law, no funds appropriated to the Agency for International Development for population planning activities or other population assistance for fiscal years 1998 and 1999 may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted,

regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

(2) Paragraph (1) of this subsection shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

(c) APPLICATION TO FOREIGN ORGANIZATIONS.—The restrictions in this section apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required in subsections (a) and (b) apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.

(d) For each of fiscal years 1998 and 1999, the President may waive the restrictions in subsections (a) and (b): Provided, That if the President waives the restriction in either subsection (a) or (b), not to exceed $410,000,000 may be made available for population planning activities or other population assistance: Provide further, That if the President waives the restrictions in both subsections (a) and (b), not to exceed $385,000,000 may be made available for population planning activities or other population assistance.

INTERNATIONAL MONETARY PROGRAMS

LOANS TO INTERNATIONAL MONETARY FUND

SEC. 593. For loans to the International Monetary Fund under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98–181), and the Act of October 23, 1962 (Public Law 87–872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow.

Section 17 of the Bretton Woods Agreements Act, as amended (22 U.S.C. 286e–2 et seq.) is amended as follows—

(1) Section 17(a) is amended by striking "and February 24, 1983" and inserting instead "February 24, 1983, and January 27, 1997"; and by striking "4,250,000,000" and inserting instead "6,712,000,000".

(2) Section 17(b) is amended by striking "4,250,000,000" and inserting instead "6,712,000,000".

(3) Section 17(d) is amended by inserting "or the Decision of January 27, 1997," after "February 24, 1983,"; and by inserting "or the New Arrangements to Borrow, as applicable" before the period at the end.

This division may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998".

DIVISION D—FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Affairs Reform and Restructuring Act of 1997".

SEC. 1002. ORGANIZATION OF DIVISION INTO SUBDIVISIONS; TABLE OF CONTENTS.

(a) SUBDIVISIONS.—This division is organized into three subdivisions as follows:

(1) SUBDIVISION 1.—Foreign Affairs Agencies Consolidation Act of 1997.

(2) SUBDIVISION 2.—Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

(3) SUBDIVISION 3.—United Nations Reform Act of 1997.

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

Sec. 1001. Short title.
Sec. 1002. Organization of division into subdivisions; table of contents.

SUBDIVISION 1—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE XI—GENERAL PROVISIONS

Sec. 1101. Short title.
Sec. 1102. Purposes.
Sec. 1103. Definitions.
Sec. 1104. Report on budgetary cost savings resulting from reorganization.

TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1201. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 1212. Transfer of functions to Secretary of State.
Sec. 1213. Under Secretary for Arms Control and International Security.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 1221. References.
Sec. 1222. Repeals.
Sec. 1223. Amendments to the Arms Control and Disarmament Act.
Sec. 1224. Compensation of officers.
Sec. 1225. Additional conforming amendments.

TITLE XIII—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1301. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1311. Abolition of United States Information Agency.
Sec. 1312. Transfer of functions.
Sec. 1313. Under Secretary of State for Public Diplomacy.
Sec. 1314. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.

CHAPTER 3—INTERNATIONAL BROADCASTING

Sec. 1321. Congressional findings and declaration of purpose.
Sec. 1322. Continued existence of Broadcasting Board of Governors.
Sec. 1323. Conforming amendments to the United States International Broadcasting Act of 1994.
Sec. 1324. Amendments to the Radio Broadcasting to Cuba Act.
Sec. 1325. Amendments to the Television Broadcasting to Cuba Act.
Sec. 1326. Transfer of broadcasting related funds, property, and personnel.
Sec. 1327. Savings provisions.
Sec. 1328. Report on the privatization of RFE/RL, Incorporated.

CHAPTER 4—CONFORMING AMENDMENTS

Sec. 1331. References.
Sec. 1332. Amendments to title 5, United States Code.
Sec. 1333. Application of certain laws.
Sec. 1334. Abolition of United States Advisory Commission on Public Diplomacy.
Sec. 1335. Conforming amendments.
Sec. 1336. Repeals.

TITLE XIV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1401. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1411. Abolition of United States International Development Cooperation Agency.
Sec. 1412. Transfer of functions and authorities.
Sec. 1413. Status of AID.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 1421. References.
Sec. 1422. Conforming amendments.

TITLE XV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

Sec. 1501. Effective date.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

Sec. 1511. Reorganization of Agency for International Development.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

Sec. 1521. Definition of United States assistance.
Sec. 1522. Administrator of AID reporting to the Secretary of State.
Sec. 1523. Assistance programs coordination and oversight.

TITLE XVI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

Sec. 1601. Reorganization plan and report.

CHAPTER 2—REORGANIZATION AUTHORITY

Sec. 1611. Reorganization authority.
Sec. 1612. Transfer and allocation of appropriations.
Sec. 1613. Transfer, appointment, and assignment of personnel.
Sec. 1614. Incidental transfers.
Sec. 1615. Savings provisions.
Sec. 1616. Authority of Secretary of State to facilitate transition.
Sec. 1617. Final report.

SUBDIVISION 2—FOREIGN RELATIONS AUTHORIZATION

TITLE XX—GENERAL PROVISIONS

Sec. 2001. Short title.
Sec. 2002. Definition of appropriate congressional committees.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE

Sec. 2101. Administration of foreign affairs.
Sec. 2102. International commissions.
Sec. 2103. Grants to The Asia Foundation.

TITLE XXII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

Sec. 2201. Reimbursement of Department of State for assistance to overseas educational facilities.
Sec. 2202. Revision of Department of State rewards program.
Sec. 2203. Retention of additional defense trade controls registration fees.
Sec. 2204. Fees for commercial services.
Sec. 2205. Pilot program for foreign affairs reimbursement.
Sec. 2206. Fee for use of diplomatic reception rooms.
Sec. 2207. Accounting of collections in budget presentation documents.
Sec. 2208. Office of the Inspector General.
Sec. 2209. Capital Investment Fund.
Sec. 2210. Contracting for local guards services overseas.
Sec. 2211. Authority of the Foreign Claims Settlement Commission.
Sec. 2212. Expenses relating to certain international claims and proceedings.
Sec. 2213. Grants to remedy international abductions of children.
Sec. 2214. Counterdrug and anticrime activities of the Department of State.
Sec. 2215. Annual report on overseas surplus properties.
Sec. 2216. Human rights reports.
Sec. 2217. Reports and policy concerning diplomatic immunity.
Sec. 2218. Reaffirming United States international telecommunications policy.
Sec. 2219. Reduction of reporting.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE
Sec. 2221. Use of certain passport processing fees for enhanced passport services.
Sec. 2222. Surcharge for processing certain machine readable visas.
Sec. 2223. Consular officers.
Sec. 2224. Repeal of outdated consular receipt requirements.
Sec. 2225. Elimination of duplicate Federal Register publication for travel advisories.
Sec. 2226. Denial of visas to confiscators of American property.
Sec. 2227. Inadmissibility of any alien supporting an international child abductor.
Sec. 2228. Haiti; exclusion of certain aliens; reporting requirements.
CHAPTER 3—REFUGEES AND MIGRATION
SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS
Sec. 2231. Migration and refugee assistance.
SUBCHAPTER B—AUTHORITIES
Sec. 2241. United States policy regarding the involuntary return of refugees.
Sec. 2242. United States policy with respect to the involuntary return of persons in danger of subjection to torture.
Sec. 2243. Reprogramming of migration and refugee assistance funds.
Sec. 2244. Eligibility for refugee status.
Sec. 2245. Reports to Congress concerning Cuban emigration policies.
TITLE XXIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE
CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE
Sec. 2301. Coordinator for Counterterrorism.
Sec. 2302. Elimination of Deputy Assistant Secretary of State for Burdensharing.
Sec. 2303. Personnel management.
Sec. 2304. Diplomatic security.
Sec. 2305. Number of senior official positions authorized for the Department of State.
Sec. 2306. Nomination of Under Secretaries and Assistant Secretaries of State.
CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE
Sec. 2311. Foreign Service reform.
Sec. 2312. Retirement benefits for involuntary separation.
Sec. 2313. Authority of Secretary to separate convicted felons from the Foreign Service.
Sec. 2314. Career counseling.
Sec. 2315. Limitations on management assignments.
Sec. 2316. Availability pay for certain criminal investigators within the Diplomatic Security Service.
Sec. 2317. Nonovertime differential pay.
Sec. 2318. Report concerning minorities and the Foreign Service.
TITLE XXIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS
CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS
Sec. 2401. International information activities and educational and cultural exchange programs.
CHAPTER 2—AUTHORITIES AND ACTIVITIES
Sec. 2411. Retention of interest.
Sec. 2412. Use of selected program fees.
Sec. 2413. Muskie Fellowship Program.
Sec. 2414. Working Group on United States Government-Sponsored International Exchanges and Training.
Sec. 2415. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
Sec. 2416. United States-Japan Commission.
Sec. 2417. Surrogate broadcasting study.
Sec. 2418. Radio broadcasting to Iran in the Farsi language.
Sec. 2419. Authority to administer summer travel and work programs.
Sec. 2420. Permanent administrative authorities regarding appropriations.
Sec. 2421. Voice of America broadcasts.
TITLE XXV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS
Sec. 2501. International conferences and contingencies.
Sec. 2502. Restriction relating to United States accession to any new international criminal tribunal.
Sec. 2503. United States membership in the Bureau of the Interparliamentary Union.
Sec. 2504. Service in international organizations.
Sec. 2505. Reports regarding foreign travel.
TITLE XXVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
Sec. 2601. Authorization of appropriations.
Sec. 2602. Statutory construction.
TITLE XXVII—EUROPEAN SECURITY ACT OF 1997
Sec. 2701. Short title.
Sec. 2702. Statement of policy.
Sec. 2703. Authorities relating to NATO enlargement.
Sec. 2704. Sense of Congress with respect to the Treaty on Conventional Armed Forces in Europe.
Sec. 2705. Restrictions and requirements relating to ballistic missile defense.
TITLE XXVIII—MISCELLANEOUS PROVISIONS
Sec. 2801. Report on relations with Vietnam.
Sec. 2802. Reports on determinations under title IV of the LIBERTAD Act.
SUBDIVISION 3—UNITED NATIONS REFORM
TITLE XXX—GENERAL PROVISIONS
Sec. 3001. Short title.
Sec. 3002. Definitions.
Sec. 3003. Nondelegation of certification requirements.
TITLE XXXI—AUTHORIZATION OF APPROPRIATIONS
Sec. 3101. Contributions to international organizations.
Sec. 3102. Contributions for international peacekeeping activities.
TITLE XXXII—UNITED NATIONS ACTIVITIES
Sec. 3201. United Nations policy on Israel and the Palestinians.
Sec. 3202. Data on costs incurred in support of United Nations peacekeeping operations.
Sec. 3203. Reimbursement for goods and services provided by the United States to the United Nations.
Sec. 3204. United States policy regarding United Nations peacekeeping operations.
Sec. 3205. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
Sec. 3206. Continued extension of privileges, exemptions, and immunities of the International Organizations Immunities Act to UNIDO.
Sec. 3207. Sense of the Congress regarding compliance with child and spousal support obligations by United Nations personnel.
TITLE XXXIII—ARREARS PAYMENTS AND REFORM
CHAPTER 1—ARREARAGES TO THE UNITED NATIONS
SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS; OBLIGATION AND EXPENDITURE OF FUNDS
Sec. 3301. Authorization of appropriations.
Sec. 3302. Obligation and expenditure of funds.
Sec. 3303. Forgiveness of amounts owed by the United Nations to the United States.
SUBCHAPTER B—UNITED STATES SOVEREIGNTY
Sec. 3311. Certification requirements.
SUBCHAPTER C—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS
Sec. 3321. Certification requirements.
SUBCHAPTER D—BUDGET AND PERSONNEL REFORM
Sec. 3331. Certification requirements.
CHAPTER 2—MISCELLANEOUS PROVISIONS
Sec. 3341. Statutory construction on relation to existing laws.
Sec. 3342. Prohibition on payments relating to UNIDO and other international organizations from which the United States has withdrawn or rescinded funding.

SUBDIVISION 1—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE XI—GENERAL PROVISIONS

SEC. 1101. SHORT TITLE.

This subdivision may be cited as the "Foreign Affairs Agencies Consolidation Act of 1997".

SEC. 1102. PURPOSES.

The purposes of this subdivision are—

(1) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—

(A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the special missions and skills of these agencies;

(B) transferring certain functions of the Agency for International Development to the Department of State; and

(C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of the Department of State;

(3) to ensure that programs critical to the promotion of United States national interests be maintained;

(4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government.

SEC. 1103. DEFINITIONS.

In this subdivision:

(1) ACDA.—The term "ACDA" means the United States Arms Control and Disarmament Agency.

(2) AID.—The term "AID" means the United States Agency for International Development.

(3) AGENCY; FEDERAL AGENCY.—The term "agency" or "Federal agency" means an Executive agency as defined in section 105 of title 5, United States Code.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(5) COVERED AGENCY.—The term "covered agency" means any of the following agencies: ACDA, USIA, IDCA, and AID.

(6) DEPARTMENT.—The term "Department" means the Department of State.

(7) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(8) IDCA.—The term "IDCA" means the United States International Development Cooperation Agency.

(9) OFFICE.—The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(10) SECRETARY.—The term "Secretary" means the Secretary of State.

(11) USIA.—The term "USIA" means the United States Information Agency.

SEC. 1104. REPORT ON BUDGETARY COST SAVINGS RESULTING FROM REORGANIZATION.

The Secretary of State shall submit a report, together with the congressional presentation document for the budget of the Department of State for each of the fiscal years 1999, 2000, and 2001, to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization implemented under this subdivision, including cost savings by each of the following categories:

(1) Reductions in personnel.

(2) Administrative consolidation, including procurement.

(3) Program consolidation.

(4) Consolidation of real properties and leases.

TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1201. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 1212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency, and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

SEC. 1213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651(b)) is amended—

(1) by striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security, who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as advisor on arms control and nonproliferation matters.".

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 1221. REFERENCES.

Except as otherwise provided in section 1223 or 1225, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, the Director of the Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Secretary of State; or

(2) the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 1222. REPEALS.

The following sections of the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) are repealed: Sections 21 through 26 (22 U.S.C. 2561–2566), section 35 (22 U.S.C. 2575), section 42 (22 U.S.C. 2582), section 43 (22 U.S.C. 2583), sections 45 through 50 (22 U.S.C. 2585–2593), section 53 (22 U.S.C. 2593c), section 54 (22 U.S.C. 2593d), and section 63 (22 U.S.C. 2595b).

SEC. 1223. AMENDMENTS TO THE ARMS CONTROL AND DISARMAMENT ACT.

The Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is amended—

(1) in section 2 (22 U.S.C. 2551)—

(A) in the first undesignated paragraph, by striking "creating a new agency of peace to deal with" and inserting "addressing";

(B) by striking the second undesignated paragraph; and

(C) in the third undesignated paragraph—

(i) by striking "This organization" and inserting "The Secretary of State";

(ii) by striking "It shall have" and inserting "The Secretary shall have";

(iii) by striking "and the Secretary of State";

(iv) by inserting ", nonproliferation," after "arms control" in paragraph (1);

(v) by striking paragraph (2);

(vi) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(vii) by striking ", as appropriate," in paragraph (3) (as redesignated);

(2) in section 3 (22 U.S.C. 2552), by striking subsection (c);

*(3) in the heading for title II, by striking "**ORGANIZATION**" and inserting "**SPECIAL REPRESENTATIVES AND VISITING SCHOLARS**";*

(4) in section 27 (22 U.S.C. 2567)—

(A) by striking the third sentence;

(B) in the fourth sentence, by striking ", acting through the Director"; and

(C) in the fifth sentence, by striking "Agency" and inserting "Department of State";

(5) in section 28 (22 U.S.C. 2568)—

(A) by striking "Director" each place it appears and inserting "Secretary of State";

(B) in the second sentence—

(i) by striking "Agency" each place it appears and inserting "Department of State"; and

(ii) by striking "Agency's" and inserting "Department of State's"; and

(C) by striking the fourth sentence;

(6) in section 31 (22 U.S.C. 2571)—

(A) by inserting "this title in" after "powers in";

(B) by striking "Director" each place it appears and inserting "Secretary of State";

(C) by striking "insure" each place it appears and inserting "ensure";

(D) in the second sentence, by striking "in accordance with procedures established under section 35 of this Act";

(E) in the fourth sentence by striking "The authority" and all that follows through "disarmament:" and inserting the following: "The authority of the Secretary under this Act with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:"; and

(F) in subsection (l), by inserting "and" at the end;

(7) in section 32 (22 U.S.C. 2572)—

(A) by striking "Director" and inserting "Secretary of State"; and

(B) by striking "subsection" and inserting "section";

(8) in section 33(a) (22 U.S.C. 2573(a))—

(A) by striking "the Secretary of State,"; and

(B) by striking "Director" and inserting "Secretary of State";

(9) in section 34 (22 U.S.C. 2574)—

(A) in subsection (a)—

(i) in the first sentence, by striking "Director" and inserting "Secretary of State";

(ii) in the first sentence, by striking "and the Secretary of State";

(iii) in the first sentence, by inserting ", nonproliferation," after "in the fields of arms control";

(iv) in the first sentence, by striking "and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of the United States participation in international negotiations and implementation fora in the field of nonproliferation";

(v) in the second sentence, by striking "section 27" and inserting "section 201"; and

(vi) in the second sentence, by striking "the" after "serve as";

(B) by striking subsection (b);

(C) by redesignating subsection (c) as subsection (b); and

(D) in subsection (b) (as redesignated)—

(i) in the text above paragraph (1), by striking "Director" and inserting "Secretary of State";

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(10) in section 36 (22 U.S.C. 2576)—

(A) by striking "Director" each place it appears and inserting "Secretary of State"; and

(B) by striking ", in accordance with the procedures established pursuant to section 35 of this Act,";

(11) in section 37 (22 U.S.C. 2577)—

(A) by striking "Director" and "Agency" each place it appears and inserting "Secretary of State" or "Department of State", respectively; and

(B) by striking subsection (d);

(12) in section 38 (22 U.S.C. 2578)—

(A) by striking "Director" each place it appears and inserting "Secretary of State"; and

(B) by striking subsection (c);

(13) in section 41 (22 U.S.C. 2581)—

(A) by striking "In the performance of his functions, the Director" and inserting "In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this Act";

(B) by striking "Agency", "Agency's", "Director", and "Director's" each place they appear and inserting "Department of State", "Department of State's", "Secretary of State", or "Secretary of State's", as appropriate;

(C) in subsection (a), by striking the sentence that begins "It is the intent";

(D) in subsection (b)—

(i) by striking "appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities,";

(ii) in paragraph (1), by striking "exception" and inserting "subsection"; and

(iii) in paragraph (2)—

(I) by striking "exception" and inserting "subsection"; and

(II) by striking "ceiling" and inserting "positions allocated to carry out the purpose of this Act";

(E) by striking subsection (g);

(F) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively;

(G) by amending subsection (f) to read as follows:

"(f) establish a scientific and policy advisory board to advise with and make recommendations to the Secretary of State on United States arms control, nonproliferation, and disarmament policy and activities. A majority of the board shall be composed of individuals who have a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who have distinguished themselves in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering. The members of the board may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;"; and

(H) in subsection (h) (as redesignated), by striking "Deputy Director" and inserting "Under Secretary for Arms Control and International Security";

(14) in section 44 (22 U.S.C. 2584)—

(A) by striking "CONFLICT-OF-INTEREST AND";

(B) by striking "The members" and all that follows through "(5 U.S.C. 2263), or any other" and inserting "Members of advisory boards and consultants may serve as such without regard to any"; and

(C) by inserting at the end the following new sentence: "This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.";

(15) in section 51 (22 U.S.C. 2593a)—

(A) in subsection (a)—

(i) in paragraphs (1) and (3), by inserting ", nonproliferation," after "arms control" each place it appears;

(ii) by striking "Director, in consultation with the Secretary of State," and inserting "Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with";

(iii) by striking "the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence" and inserting "and the Chairman of the Joint Chiefs of Staff";

(iv) by striking paragraphs (2) and (4); and

(v) by redesignating paragraphs (3), (5), (6), and (7) as paragraphs (2) through (5), respectively; and

(B) by adding at the end of subsection (b) the following: "The portions of this report described in paragraphs (4) and (5) of subsection (a) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.";

(16) in section 52 (22 U.S.C. 2593b), by striking "Director" and inserting "Secretary of State";

(17) in section 61 (22 U.S.C. 2593a)—

(A) in paragraph (1), by striking "United States Arms Control and Disarmament Agency" and inserting "Department of State";

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively;

(D) in paragraph (4) (as redesignated), by striking "paragraph (4)" and inserting "paragraph (3)"; and

(E) in paragraph (6) (as redesignated), by striking "United States Arms Control and Disarmament Agency and the";

(18) in section 62 (22 U.S.C. 2595a)—

(A) in subsection (c)—

(i) in the subsection heading, by striking "DIRECTOR" and inserting "SECRETARY OF STATE"; and

(ii) by striking "2(d), 22, and 34(c)" and inserting "102(3) and 304(b)"; and

(B) by striking "Director" and inserting "Secretary of State";

(19) in section 64 (22 U.S.C. 2595b–1)—

(A) by striking the section title and inserting

"SEC. 503. REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.";

(B) by striking subsection (a); and

(C) in subsection (b)—

(i) by striking "(b) REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.—"; and

(ii) by striking "Foreign Affairs" and inserting "International Relations";

(20) in section 65(1) (22 U.S.C. 2595c(1)) by inserting "of America" after "United States"; and

(21) by redesignating sections 1, 2, 3, 27, 28, 31, 32, 33, 34, 36, 37, 38, 39, 41, 44, 51, 52, 61, 62, 64, and 65, as amended by this section, as sections 101, 102, 103, 201, 202, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 501, 502, 503, and 504, respectively.

SEC. 1224. COMPENSATION OF OFFICERS.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Arms Control and Disarmament Agency.";

(2) in section 5314, by striking "Deputy Director of the United States Arms Control and Disarmament Agency.";

(3) in section 5315—

(A) by striking "Assistant Directors, United States Arms Control and Disarmament Agency (4).'"; and

(B) by striking "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency", and inserting "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State"; and

(4) in section 5316, by striking "General Counsel of the United States Arms Control and Disarmament Agency.".

SEC. 1225. ADDITIONAL CONFORMING AMENDMENTS.

(a) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking "Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and the Secretary of Defense" and inserting "Secretary of State in consultation with the Secretary of Defense and the Director of Central Intelligence";

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

(A) in the first sentence, by striking "be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to" and inserting "take into account"; and

(B) by striking the second sentence;

(3) in section 42(a) (22 U.S.C. 2791(a))—

(A) in paragraph (1)(C), by striking "the assessment of the Director of the United States Arms Control and Disarmament Agency as to";

(B) by striking "(1)" after "(a)"; and

(C) by striking paragraph (2);

(4) in section 71(a) (22 U.S.C. 2797(a)), by striking ", the Director of the Arms Control and Disarmament Agency,";

(5) in section 71(b)(1) (22 U.S.C. 2797(b)(1)), by striking "and the Director of the United States Arms Control and Disarmament Agency";

(6) in section 71(b)(2) (22 U.S.C. 2797(b)(2))—

(A) by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce"; and

(B) by striking "or the Director";

(7) in section 71(c) (22 U.S.C. 2797(c)), by striking "with the Director of the United States Arms Control and Disarmament Agency,"; and

(8) in section 73(d) (22 U.S.C. 2797b(d)), by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce".

(b) FOREIGN ASSISTANCE ACT.—Section 511 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321d) is amended by striking "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to" and inserting "take into account".

(c) UNITED STATES INSTITUTE OF PEACE ACT.—

(1) Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as redesignated), by striking "Eleven" and inserting "Twelve".

(2) Section 1707(d)(2) of that Act (22 U.S.C. 4606(d)(2)) is amended by striking ", Director of the Arms Control and Disarmament Agency".

(d) ATOMIC ENERGY ACT OF 1954.—The Atomic Energy Act of 1954 is amended—

(1) in section 57b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking "the Arms Control and Disarmament Agency,"; and

(B) in the second sentence, by striking "the Director of the Arms Control and Disarmament Agency,";

(2) in section 109b. (42 U.S.C. 2129(b)), by striking "and the Director";

(3) in section 111b. (42 U.S.C. 2131(b)) by striking "the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission," and inserting "the Nuclear Regulatory Commission";

(4) in section 123 (42 U.S.C. 2153)—

(A) in subsection a., in the third sentence—

(i) by striking "and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director')";

(ii) by inserting "and" after "Energy,";

(iii) by striking "Commission, and the Director, who" and inserting "Commission. The Secretary of State"; and

(iv) after "nuclear explosive purpose.", by inserting the following new sentence: "Each Nuclear Proliferation Assessment Statement prepared pursuant to this Act shall be accompanied by a classified annex, prepared in consultation with the Director of Central Intelligence, summarizing relevant classified information.";

(B) in subsection d., in the first proviso—

(i) by striking "Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency," and inserting "Nuclear Proliferation Assessment Statement prepared by the Secretary of State, and any annexes thereto,"; and

(ii) by striking "has been" and inserting "have been"; and

(C) in the first undesignated paragraph following subsection d., by striking "the Arms Control and Disarmament Agency,";

(5) in section 126a.(1), by striking "the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission"

and inserting "and the Nuclear Regulatory Commission,";

(6) in section 131a. (42 U.S.C. 2160(a))—

(A) in paragraph (1)—

(i) in the first sentence, by striking "the Director,";

(ii) in the third sentence, by striking "the Director declares that he intends" and inserting "the Secretary of State is required"; and

(iii) in the third sentence, by striking "the Director's declaration" and inserting "the requirement to prepare a Nuclear Proliferation Assessment Statement";

(B) in paragraph (2)—

(i) by striking "Director's view" and inserting "view of the Secretary of State, Secretary of Energy, Secretary of Defense, or the Commission"; and

(ii) by striking "he may prepare" and inserting "the Secretary of State, in consultation with such Secretary or the Commission, shall prepare"; and

(7) in section 131c. (42 U.S.C. 2160(c))—

(A) in the first sentence, by striking ", the Director of the Arms Control and Disarmament Agency,";

(B) in the sixth and seventh sentences, by striking "Director" each place it appears and inserting "Secretary of State"; and

(C) in the seventh sentence, by striking "Director's" and inserting "Secretary of State's".

(e) NUCLEAR NON-PROLIFERATION ACT OF 1978.—The Nuclear Non-Proliferation Act of 1978 is amended—

(1) in section 4 (22 U.S.C. 3203)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(2) in section 102 (22 U.S.C. 3222), by striking ", the Secretary of State, and the Director of the Arms Control and Disarmament Agency" and inserting "and the Secretary of State";

(3) in section 304(d) (42 U.S.C. 2156a), by striking "the Secretary of Defense, and the Director," and inserting "and the Secretary of Defense,";

(4) in section 309 (42 U.S.C. 2139a)—

(A) in subsection (b), by striking "the Department of Commerce, and the Arms Control and Disarmament Agency" and inserting "and the Department of Commerce"; and

(B) in subsection (c), by striking "the Arms Control and Disarmament Agency,";

(5) in section 406 (42 U.S.C. 2160a), by inserting ", or any annexes thereto," after "Statement"; and

(6) in section 602 (22 U.S.C. 3282)—

(A) in subsection (c), by striking "the Arms Control and Disarmament Agency,"; and

(B) in subsection (e), by striking "and the Director".

(f) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—Section 23(a) of the State Department basic Authorities Act of 1956 (22 U.S.C. 2695(a)) is amended by striking "the Agency for International Development, and the Arms Control and Disarmament Agency" and inserting "and the Agency for International Development".

(g) FOREIGN RELATIONS AUTHORIZATION ACT OF 1972.—Section 502 of the Foreign Relations Authorization Act of 1972 (2 U.S.C. 194a) is amended by striking "the United States Arms Control and Disarmament Agency,".

(h) TITLE 49.—Section 40118(d) of title 49, United States Code, is amended by striking ", or the Director of the Arms Control and Disarmament Agency".

TITLE XIII—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1301. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency (other than the Broadcasting Board of Governors and the International Broadcasting Bureau) is abolished.

SEC. 1312. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

(b) EXCEPTION.—Subsection (a) does not apply to the Broadcasting Board of Governors, the International Broadcasting Bureau, or any function performed by the Board or the Bureau.

SEC. 1313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)), as amended by this division, is further amended by adding at the end the following new paragraph:

"(3) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.".

SEC. 1314. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the United States Information Agency is abolished.

(b) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "the Office of Personnel Management, the United States Information Agency" and inserting "or the Office of Personnel Management"; and

(2) in paragraph (2), by striking "the United States Information Agency,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking the following:

"Inspector General, United States Information Agency.".

(d) AMENDMENTS TO PUBLIC LAW 103–236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General of the Department of State and the Foreign Service"; and

(2) by striking ", the Director of the United States Information Agency,".

(e) TRANSFER OF FUNCTIONS.—There are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 1321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers", in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability, and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 1322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

"(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

"(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

"(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date may serve the remainder of their terms of office without reappointment.

"(3) INSPECTOR GENERAL AUTHORITIES.—

"(A) IN GENERAL.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors and the International Broadcasting Bureau as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

"(B) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.".

SEC. 1323. CONFORMING AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

(a) REFERENCES IN SECTION.—Whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).

(b) SUBSTITUTION OF SECRETARY OF STATE.—Sections 304(b)(1)(B), 304(b) (2) and (3), 304(c), and 304(e) (22 U.S.C. 6203(b)(1)(B), 6203(b) (2) and (3), 6203(c), and 6203(e)) are amended by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State".

(c) SUBSTITUTION OF ACTING SECRETARY OF STATE.—Section 304(c) (22 U.S.C. 6203(c)) is amended by striking "acting Director of the agency" and inserting "Acting Secretary of State".

(d) STANDARDS AND PRINCIPLES OF INTERNATIONAL BROADCASTING.—Section 303(b) (22 U.S.C. 6202(b)) is amended—

(1) in paragraph (3), by inserting ", including editorials, broadcast by the Voice of America, which present the views of the United States Government" after "policies";

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

(3) by inserting after paragraph (3) the following:

"(4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;";

(e) AUTHORITIES OF THE BOARD.—Section 305(a) (22 U.S.C. 6204(a)) is amended—

(1) in paragraph (1)—

(A) by striking "direct and"; and

(B) by striking "and the Television Broadcasting to Cuba Act" and inserting ", the Television Broadcasting to Cuba Act, and Worldnet Television, except as provided in section 306(b)";

(2) in paragraph (4), by inserting ", after consultation with the Secretary of State," after "annually,";

(3) in paragraph (9)—

(A) by striking ", through the Director of the United States Information Agency,"; and

(B) by adding at the end the following new sentence: "Each annual report shall place special emphasis on the assessment described in paragraph (2).";

(4) in paragraph (12)—

(A) by striking "1994 and 1995" and inserting "1998 and 1999"; and

(B) by striking "to the Board for International Broadcasting for such purposes for fiscal year 1993" and inserting "to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997"; and

(5) by adding at the end the following new paragraphs:

"(15)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code.

"(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"(16) To procure, pursuant to section 1535 of title 31, United States Code (commonly known as the 'Economy Act'), such goods and services from other departments or agencies for the Board and the International Broadcasting Bureau as the Board determines are appropriate.

"(17) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1997, to the extent the Board considers necessary in carrying out the provisions and purposes of this title.

"(18) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title XIII of the Foreign Affairs Consolidation Act of 1997 for carrying out the broadcasting activities covered by this title.".

(f) DELEGATION OF AUTHORITY.—Section 305 (22 U.S.C. 6204) is amended—

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

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

"(b) DELEGATION OF AUTHORITY.—The Board may delegate to the Director of the International Broadcasting Bureau, or any other officer or employee of the United States, to the extent the Board determines to be appropriate, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (3), (4), (5), (6), (9), or (11) of subsection (a).".

(g) BROADCASTING BUDGETS.—Section 305(c)(1) (as redesignated) is amended—

(1) by striking "(1)" before "The Director"; and

(2) by striking "the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to".

(h) REPEAL.—Section 305(c)(2) (as redesignated) is repealed.

(i) IMPLEMENTATION.—Section 305(d) (as redesignated) is amended to read as follows:

"(d) PROFESSIONAL INDEPENDENCE OF BROADCASTERS.—The Secretary of State and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and the grantees of the Board.".

(j) FOREIGN POLICY GUIDANCE.—Section 306 (22 U.S.C. 6205) is amended—

*(1) in the section heading, by striking "**FOREIGN POLICY GUIDANCE**" and inserting "**ROLE OF THE SECRETARY OF STATE**";*

(2) by inserting "(a) FOREIGN POLICY GUIDANCE.—" immediately before "To";

(3) by striking "State, acting through the Director of the United States Information Agency," and inserting "State";

(4) by inserting before the period at the end the following: ", as the Secretary may deem appropriate"; and

(5) by adding at the end the following:

"(b) CERTAIN WORLDNET PROGRAMMING.—The Secretary of State is authorized to use Worldnet broadcasts for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the Department of State. The Chairman of the Broadcasting Board of Governors shall provide access to Worldnet for this purpose on a nonreimbursable basis.".

(k) INTERNATIONAL BROADCASTING BUREAU.—Section 307 (22 U.S.C. 6206) is amended—

(1) in subsection (a), by striking "within the United States Information Agency" and inserting "under the Board";

(2) in subsection (b)(1), by striking "Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board" and inserting "President, by and with the advice and consent of the Senate";

(3) by redesignating subsection (b)(1) as subsection (b);

(4) by striking subsection (b)(2); and

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

"(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of Radio Free Asia, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.".

(l) REPEALS.—The following provisions of law are repealed:

(1) Subsections (k) and (l) of section 308 (22 U.S.C. 6207 (k), (l)).

(2) Section 310 (22 U.S.C. 6209).

SEC. 1324. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(2) by striking "Agency" each place it appears and inserting "Board";

(3) by striking "the Director of the United States Information Agency" each place it appears and inserting "the Broadcasting Board of Governors";

(4) in section 4 (22 U.S.C. 1465b), by striking "the Voice of America" and inserting "the International Broadcasting Bureau";

(5) in section 5 (22 U.S.C. 1465c)—

(A) by striking "Board" each place it appears and inserting "Advisory Board"; and

(B) in subsection (a), by striking the first sentence and inserting "There is established within the Office of the President the Advisory Board for Cuba Broadcasting (in this Act referred to as the 'Advisory Board')."; and

(6) by striking any other reference to "Director" not amended by paragraph (3) each place it appears and inserting "Board".

SEC. 1325. AMENDMENTS TO THE TELEVISION BROADCASTING TO CUBA ACT.

The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) is amended—

(1) in section 243(a) (22 U.S.C. 1465bb(a)) and section 246 (22 U.S.C. 1465dd), by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(2) in section 243(c) (22 U.S.C. 1465bb(c))—

(A) in the subsection heading, by striking "USIA"; and

(B) by striking "'USIA Television" and inserting "the 'Television";

(3) in section 244(c) (22 U.S.C. 1465cc(c)) and section 246 (22 U.S.C. 1465dd), by striking "Agency" each place it appears and inserting "Board";

(4) in section 244 (22 U.S.C. 1465cc)—

*(A) in the section heading, by striking "**OF THE UNITED STATES INFORMATION AGENCY**";*

(B) in subsection (a)—

(i) in the first sentence, by striking "The Director of the United States Information Agency shall establish" and inserting "There is"; and

(ii) in the second sentence—

(I) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(II) by striking "the Director of the Voice of America" and inserting "the International Broadcasting Bureau";

(C) in subsection (b)—

(i) by striking "Agency facilities" and inserting "Board facilities"; and

(ii) by striking "Information Agency" and inserting "International"; and

(D) in the heading of subsection (c), by striking "USIA"; and

(5) in section 245(d) (22 U.S.C. 1465c note), by striking "Board" and inserting "Advisory Board".

SEC. 1326. TRANSFER OF BROADCASTING RELATED FUNDS, PROPERTY, AND PERSONNEL.

(a) TRANSFER AND ALLOCATION OF PROPERTY AND APPROPRIATIONS.—

(1) IN GENERAL.—The assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 1327(d)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other

funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices of USIA transferred to the Broadcasting Board of Governors by this chapter shall be transferred to the Broadcasting Board of Governors for appropriate allocation.

(2) ADDITIONAL TRANSFERS.—In addition to the transfers made under paragraph (1), there shall be transferred to the Chairman of the Broadcasting Board of Governors the assets, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds, as determined by the Secretary, in concurrence with the Broadcasting Board of Governors, to support the functions transferred by this chapter.

(b) TRANSFER OF PERSONNEL.—Notwithstanding any other provision of law—

(1) except as provided in subsection (c), all personnel and positions of USIA employed or maintained to carry out the functions transferred by this chapter to the Broadcasting Board of Governors shall be transferred to the Broadcasting Board of Governors at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer; and

(2) the personnel and positions of USIA, as determined by the Secretary of State, with the concurrence of the Broadcasting Board of Governors and the Director of USIA, to support the functions transferred by this chapter shall be transferred to the Broadcasting Board of Governors, including the International Broadcasting Bureau, at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) TRANSFER AND ALLOCATION OF PROPERTY, APPROPRIATIONS, AND PERSONNEL ASSOCIATED WITH WORLDNET.—USIA personnel responsible for carrying out interactive dialogs with foreign media and other similar overseas public diplomacy programs using the Worldnet television broadcasting system, and funds associated with such personnel, shall be transferred to the Department of State in accordance with the provisions of title XVI of this subdivision.

(d) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, when requested by the Broadcasting Board of Governors, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with functions and offices transferred from USIA, as may be necessary to carry out the provisions of this section.

SEC. 1327. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this title, and

(2) that are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this chapter, or amendments made by this chapter, shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this title takes effect, with respect to functions exercised by the Board as of the effective date of this title but such proceedings and applications shall be continued.

(2) ORDERS, APPEALS, AND PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this chapter had not been enacted.

(c) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Broadcasting Board of Governors, or any commission or component thereof, shall abate by reason of the enactment of this chapter. No cause of action by or against the Broadcasting Board of Governors, or any commission or component thereof, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this chapter.

(d) CONTINUATION OF PROCEEDINGS WITH SUBSTITUTION OF PARTIES.—

(1) SUBSTITUTION OF PARTIES.—If, before the effective date of this title, USIA or the Broadcasting Board of Governors, or any officer thereof in the official capacity of such officer, is a party to a suit which is related to the functions transferred by this chapter, then effective on such date such suit shall be continued with the Broadcasting Board of Governors or other appropriate official of the Board substituted or added as a party.

(2) LIABILITY OF THE BOARD.—The Board shall participate in suits continued under paragraph (1) where the Broadcasting Board of Governors or other appropriate official of the Board is added as a party and shall be liable for any judgments or remedies in those suits or proceedings arising from the exercise of the functions transferred by this chapter to the same extent that USIA would have been liable if such judgment or remedy had been rendered on the day before the abolition of USIA.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Broadcasting Board of Governors relating to a function exercised by the Board before the effective date of this title may be continued by the Board with the same effect as if this chapter had not been enacted.

(f) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this title, shall be deemed to refer to the Board.

SEC. 1328. REPORT ON THE PRIVATIZATION OF RFE/RL, INCORPORATED.

Not later than March 1 of each year, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, on any steps taken to further the policy declared in section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. The report under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to terminate individual language services.

(2) A detailed description of steps taken with regard to section 312(a) of that Act.

(3) An analysis of prospects for privatization over the coming year.

(4) An assessment of the extent to which United States Government funding may be appropriate in the year 2000 and subsequent years for surrogate broadcasting to the countries to which RFE/RL, Incorporated, broadcast during the year. This assessment shall include an analysis of the environment for independent media in those countries, noting the extent of government control of the media, the ability of independent journalists and news organizations to operate, relevant domestic legislation, level of government harassment and efforts to censor, and other indications of whether the people of such countries enjoy freedom of expression.

CHAPTER 4—CONFORMING AMENDMENTS

SEC. 1331. REFERENCES.

(a) IN GENERAL.—Except as otherwise provided in this subdivision, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

(b) CONTINUING REFERENCES TO USIA OR DIRECTOR.—Subsection (a) shall not apply to section 146 (a), (b), or (c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4069a(f), 4069b(g), or 4069c(f)).

SEC. 1332. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Information Agency.";

(2) in section 5315—

(A) by striking "Deputy Director of the United States Information Agency."; and

(B) by striking "Director of the International Broadcasting Bureau, the United States Information Agency." and inserting "Director of the International Broadcasting Bureau."; and

(3) in section 5316—

(A) by striking "Deputy Director, Policy and Plans, United States Information Agency."; and

(B) by striking "Associate Director (Policy and Plans), United States Information Agency.".

SEC. 1333. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION TO FUNCTIONS OF DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall not apply to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this subdivision.

(b) APPLICATION TO FUNCTIONS TRANSFERRED TO DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall apply only to public diplomacy programs, personnel and support of the Director of the United States Information Agency as carried out

prior to any transfer of functions pursuant to this subdivision to the same extent that such programs were covered by these provisions prior to such transfer.

(c) LIMITATION ON USE OF FUNDS.—Except as provided in section 501 of Public Law 80–402 and section 208 of Public Law 99–93, funds specifically authorized to be appropriated for such public diplomacy programs shall not be used to influence public opinion in the United States, and no program material prepared using such funds shall be distributed or disseminated in the United States.

(d) REPORTING REQUIREMENTS.—The report submitted pursuant to section 1601(f) of this subdivision shall include a detailed statement of the manner in which the special mission of public diplomacy carried out by USIA prior to the transfer of functions under this subdivision shall be preserved within the Department of State, including the planned duties and responsibilities of any new bureaus that will perform such public diplomacy functions. Such report shall also include the best available estimates of—

(1) the amounts to be expended by the Department of State for public affairs programs during fiscal year 1998, and on the personnel and support costs for such programs;

(2) the amounts to be expended by USIA for its public diplomacy programs during fiscal year 1998, and on the personnel and support costs for such programs; and

(3) the amounts, including funds to be transferred from USIA and funds appropriated to the Department, that will be allocated for the programs described in paragraphs (1) and (2), respectively, during the fiscal year in which the transfer of functions from USIA to the Department occurs.

(e) CONGRESSIONAL PRESENTATION DOCUMENT.—The Department of State's Congressional Presentation Document for fiscal year 2000 and each fiscal year thereafter shall include—

(1) the aggregated amounts that the Department will spend on such public diplomacy programs and on costs of personnel for such programs, and a detailed description of the goals and purposes for which such funds shall be expended; and

(2) the amount of funds allocated to and the positions authorized for such public diplomacy programs, including bureaus to be created upon the transfer of functions from USIA to the Department.

SEC. 1334. ABOLITION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) ABOLITION.—The United States Advisory Commission on Public Diplomacy is abolished.

(b) REPEALS.—Section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977 are repealed.

SEC. 1335. CONFORMING AMENDMENTS.

(a) The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended—

(1) in section 505 (22 U.S.C. 1464a)—

(A) by striking "Director of the United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(B) by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(C) in subsection (b)—

(i) by striking "Agency's" and all that follows through "'USIA-TV')" and inserting "television broadcasts of the United States International Television Service"; and

(ii) in paragraphs (1), (2), and (3), by striking "USIA-TV" each place it appears and inserting "The United States International Television Service"; and

(D) in subsections (d) and (e), by striking "USIA-TV" each place it appears and inserting "the United States International Television Service";

(2) in section 506(c) (22 U.S.C. 1464b(c))—

(A) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors";

(B) by striking "Agency" and inserting "Board"; and

(C) by striking "Director" and inserting "Board".

(3) in section 705 (22 U.S.C 1477c)—

(A) by striking subsections (a) and (c); and

(B) in subsection (b)—

(i) by striking "(b) In addition, the United State Information Agency" and inserting "The Department of State"; and

(ii) by striking "program grants" and inserting "grants for overseas public diplomacy programs";

(4) in section 801(7) (22 U.S.C. 1471(7))—

(A) by striking "Agency" and inserting "overseas public diplomacy"; and

(B) by inserting "other" after "together with"; and

(5) in section 812 (22 U.S.C. 1475g)—

(A) by striking "United States Information Agency post" each place it appears and inserting "overseas public diplomacy post";

(B) in subsection (a), by striking "United States Information Agency" the first place it appears and inserting "Department of State";

(C) in subsection (b), by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

*(D) in the section heading, by striking "**USIA**" and inserting "**OVERSEAS PUBLIC DIPLOMACY**".*

(b) Section 212 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Department of State";

(2) in subsection (a), by inserting "for carrying out its overseas public diplomacy functions" after "grants";

(3) in subsection (b)—

(A) by striking "a grant" the first time it appears and inserting "an overseas public diplomacy grant"; and

(B) in paragraph (1), by inserting "such" before "a grant" the first place it appears;

(4) in subsection (c)(1), by inserting "overseas public diplomacy" before "grants";

(5) in subsection (c)(3), by inserting "such" before "grant"; and

(6) by striking subsection (d).

(c) Section 602 of the National and Community Service Act of 1990 (22 U.S.C. 2452a) is amended—

(1) in the second sentence of subsection (a), by striking "United States Information Agency" and inserting "Department of State"; and

(2) in subsection (b)—

(A) by striking "appropriations account of the United States Information Agency" and inserting "appropriate appropriations account of the Department of State"; and

(B) by striking "and the United States Information Agency".

(d) Section 305 of Public Law 97–446 (19 U.S.C. 2604) is amended in the first sentence, by striking ", after consultation with the Director of the United States Information Agency,".

(e) Section 601 of Public Law 103–227 (20 U.S.C. 5951(a)) is amended by striking "of the Director of the United States Information Agency and with" and inserting "and".

(f) Section 1003(b) of the Fascell Fellowship Act (22 U.S.C. 4902(b)) is amended—

(1) in the text above paragraph (1), by striking "9 members" and inserting "7 members";

(2) in paragraph (4), by striking "Six" and inserting "Five";

(3) by striking paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

(g) Section 803 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1903) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(2) in subsection (c), by striking "subsection (b)(7)" and inserting "subsection (b)(6)".

(h) Section 7 of the Federal Triangle Development Act (40 U.S.C. 1106) is amended—

(1) in subsection (c)(1)—

(A) in the text above subparagraph (A), by striking "15 members" and inserting "14 members";

(B) by striking subparagraph (F); and

(C) by redesignating subparagraphs (G) through (J) as subparagraphs (F) through (I), respectively;

(2) in paragraphs (3) and (5) of subsection (c), by striking "paragraph (1)(J)" each place it appears and inserting "paragraph (1)(I)"; and

(3) in subsection (d)(3) and subsection (e), by striking "the Administrator and the Director of the United States Information Agency" each place it appears and inserting "and the Administrator".

(i) Section 3 of the Woodrow Wilson Memorial Act of 1968 (Public Law 90–637; 20 U.S.C. 80f) is amended—

(1) in subsection (b)—

(A) in the text preceding paragraph (1), by striking "19 members" and inserting "17 members";

(B) by striking paragraph (7);

(C) by striking "10" in paragraph (10) and inserting "9"; and

(D) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(2) in subsection (c), by striking "(9)" and inserting "(8)".

(j) Section 624 of Public Law 89–329 (20 U.S.C. 1131c) is amended by striking "the United States Information Agency,".

(k) The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors";

(2) in section 210 (22 U.S.C. 3930), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors";

(3) in section 1003(a) (22 U.S.C. 4103(a)), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(4) in section 1101(c) (22 U.S.C. 4131(c)), by striking "the United States Information Agency," and inserting "Broadcasting Board of Governors,".

(l) The Department of State Basic Authorities Act of 1956, as amended by this division, is further amended—

(1) in section 23(a) (22 U.S.C. 2695(a)), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors";

(2) in section 25(f) (22 U.S.C. 2697(f))—

(A) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(B) by striking "with respect to their respective agencies" and inserting "with respect to the Board and the Agency";

(3) in section 26(b) (22 U.S.C. 2698(b)), as amended by this division—

(A) by striking "Director of the United States Information Agency, the chairman of the Board

for International Broadcasting," and inserting "Broadcasting Board of Governors,"; and

(B) by striking "with respect to their respective agencies" and inserting "with respect to the Board and the Agency"; and

(4) in section 32 (22 U.S.C. 2704), as amended by this division, by striking "the Director of the United States Information Agency" and inserting "the Broadcasting Board of Governors".

(m) Section 507(b)(3) of Public Law 103–317 (22 U.S.C. 2669a(b)(3)) is amended by striking ", the United States Information Agency,".

(n) Section 502 of Public Law 92–352 (2 U.S.C. 194a) is amended by striking "the United States Information Agency,".

(o) Section 6 of Public Law 104–288 (22 U.S.C. 2141d) is amended—

(1) in subsection (a), by striking "Director of the United States Information Agency,"; and

(2) in subsection (b), by striking "the Director of the United States Information Agency" and inserting "the Under Secretary of State for Public Diplomacy".

(p) Section 40118(d) of title 49, United States Code, is amended by striking ", the Director of the United States Information Agency,".

(q) Section 155 of Public Law 102–138 is amended—

(1) by striking the comma before "Department of Commerce" and inserting "and"; and

(2) by striking ", and the United States Information Agency".

(r) Section 107 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is amended by striking "Director of the United States Information Agency" each place it appears and inserting "Director of the International Broadcasting Bureau".

SEC. 1336. REPEALS.

The following provisions are repealed:

(1) Sections 701 (22 U.S.C. 1476), 704 (22 U.S.C. 1477b), 807 (22 U.S.C 1475b), 808 (22 U.S.C 1475c), 811 (22 U.S.C 1475j), and 1009 (22 U.S.C. 1440) of the United States Information and Educational Exchange Act of 1948.

(2) Section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(c)).

(3) Section 565(e) of the Anti-Economic Discrimination Act of 1994 (22 U.S.C. 2679c(e)).

(4) Section 206(b) of Public Law 102–138.

(5) Section 2241 of Public Law 104–66.

(6) Sections 1 through 6 of Reorganization Plan Numbered 2 of 1977 (91 Stat. 636).

(7) Section 207 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 22 U.S.C. 1463 note).

TITLE XIV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—Except for the components specified in subsection (b), the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

(b) AID AND OPIC EXEMPTED.—Subsection (a) does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

SEC. 1412. TRANSFER OF FUNCTIONS AND AUTHORITIES.

(a) ALLOCATION OF FUNDS.—

(1) ALLOCATION TO THE SECRETARY OF STATE.—Funds made available under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1–801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of October 1, 1997, shall be allocated to the Secretary of State on and after the effective date of this title without further action by the President.

(2) PROCEDURES FOR REALLOCATIONS OR TRANSFERS.—The Secretary of State may allocate or transfer as appropriate any funds received under paragraph (1) in the same manner as previously provided for the Director of the International Development Cooperation Agency under section 1–802 of that Executive Order, as in effect on October 1, 1997.

(b) WITH RESPECT TO THE OVERSEAS PRIVATE INVESTMENT CORPORATION.—There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this title with respect to the Overseas Private Investment Corporation.

(c) OTHER ACTIVITIES.—The authorities and functions transferred to the United States International Development Cooperation Agency or the Director of that Agency by section 6 of Reorganization Plan Numbered 2 of 1979 shall, to the extent such authorities and functions have not been repealed, be transferred to those agencies or heads of agencies, as the case may be, in which those authorities and functions were vested by statute as of the day before the effective date of such reorganization plan.

SEC. 1413. STATUS OF AID.

(a) IN GENERAL.—Unless abolished pursuant to the reorganization plan submitted under section 1601, and except as provided in section 1412, there is within the Executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5, United States Code.

(b) RETENTION OF OFFICERS.—Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this title.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 1421. REFERENCES.

Except as otherwise provided in this subdivision, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the United States International Development Cooperation Agency (IDCA) or to the Director or any other officer or employee of IDCA—

(1) insofar as such reference relates to any function or authority transferred under section 1412(a), shall be deemed to refer to the Secretary of State;

(2) insofar as such reference relates to any function or authority transferred under section 1412(b), shall be deemed to refer to the Administrator of the Agency for International Development;

(3) insofar as such reference relates to any function or authority transferred under section 1412(c), shall be deemed to refer to the head of the agency to which such function or authority is transferred under such section; and

(4) insofar as such reference relates to any function or authority not transferred by this title, shall be deemed to refer to the President or such agency or agencies as may be specified by Executive order.

SEC. 1422. CONFORMING AMENDMENTS.

(a) TERMINATION OF REORGANIZATION PLANS AND DELEGATIONS.—The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).

(2) Section 1–101 through 1–103, sections 1–401 through 1–403, section 1–801(a), and such other provisions that relate to the United States International Development Cooperation Agency or the Director of IDCA, of Executive Order No. 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1–6 of such Delegation of Authority.

(4) Section 3 of Executive Order No. 12884 (58 Fed. Reg. 64099; relating to the delegation of functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

(b) OTHER STATUTORY AMENDMENTS AND REPEAL.—

(1) TITLE 5.—Section 7103(a)(2)(B)(iv) of title 5, United States Code, is amended by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development".

(2) INSPECTOR GENERAL ACT OF 1978.—Section 8A of the Inspector General Act of 1978 (5 U.S.C. App. 3) is amended—

(A) in subsection (a)—

(i) by striking "Development" through "(1) shall" and inserting "Development shall";

(ii) by striking "; and" at the end of subsection (a)(1) and inserting a period; and

(iii) by striking paragraph (2);

(B) by striking subsections (c) and (f); and

(C) by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(3) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—The State Department Basic Authorities Act of 1956 is amended—

(A) in section 25(f) (22 U.S.C. 2697(f)), as amended by this division, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development";

(B) in section 26(b) (22 U.S.C. 2698(b)), as amended by this division, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development"; and

(C) in section 32 (22 U.S.C. 2704), by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development".

(4) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 is amended—

(A) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development";

(B) in section 210 (22 U.S.C. 3930), by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development";

(C) in section 1003(a) (22 U.S.C. 4103(a)), by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development"; and

(D) in section 1101(c) (22 U.S.C. 4131(c)), by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development".

(5) REPEAL.—Section 413 of Public Law 96–53 (22 U.S.C. 3512) is repealed.

(6) TITLE 49.—Section 40118(d) of title 49, United States Code, is amended by striking "the Director of the United States International Development Cooperation Agency" and inserting "or the Administrator of the Agency for International Development".

(7) EXPORT ADMINISTRATION ACT OF 1979.—Section 2405(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(g)) is amended—

(A) by striking "Director of the United States International Development Cooperation Agency" each place it appears and inserting "Administrator of the Agency for International Development"; and

(B) in the fourth sentence, by striking "Director" and inserting "Administrator".

TITLE XV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 1501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 1601.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

SEC. 1511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—The Agency for International Development shall be reorganized in accordance with this subdivision and the reorganization plan transmitted pursuant to section 1601.

(b) FUNCTIONS TO BE TRANSFERRED.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of AID:

(1) The Press office.

(2) Certain administrative functions.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

SEC. 1521. DEFINITION OF UNITED STATES ASSISTANCE.

In this chapter, the term "United States assistance" means development and other economic assistance, including assistance made available under the following provisions of law:

(1) Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).

(3) Chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa).

(4) Chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union).

(5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

SEC. 1522. ADMINISTRATOR OF AID REPORTING TO THE SECRETARY OF STATE.

The Administrator of the Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall report to and be under the direct authority and foreign policy guidance of the Secretary of State.

SEC. 1523. ASSISTANCE PROGRAMS COORDINATION AND OVERSIGHT.

(a) AUTHORITY OF THE SECRETARY OF STATE.—

(1) IN GENERAL.—Under the direction of the President, the Secretary of State shall coordinate all United States assistance in accordance with this section, except as provided in paragraphs (2) and (3).

(2) EXPORT PROMOTION ACTIVITIES.—Coordination of activities relating to promotion of exports of United States goods and services shall continue to be primarily the responsibility of the Secretary of Commerce.

(3) INTERNATIONAL ECONOMIC ACTIVITIES.—Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury.

(4) AUTHORITIES AND POWERS OF THE SECRETARY OF STATE.—The powers and authorities of the Secretary provided in this chapter are in addition to the powers and authorities provided to the Secretary under any other Act, including section 101(b) and section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(b), 2382(c)).

(b) COORDINATION ACTIVITIES.—Coordination activities of the Secretary of State under subsection (a) shall include—

(1) approving an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961, the Arms Export Control Act, and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations; and

(4) resolving policy, program, and funding disputes among United States Government agencies.

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the Federal agency for that purpose.

(d) AUTHORITY TO PROVIDE PERSONNEL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Administrator of the Agency for International Development is authorized to detail to the Department of State on a nonreimbursable basis such personnel employed by the Agency as the Secretary of State may require to carry out this section.

TITLE XVI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 1601. REORGANIZATION PLAN AND REPORT.

(a) SUBMISSION OF PLAN AND REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan and report regarding—

(1) the abolition of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency in accordance with this subdivision;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the Agency and the transfer of certain functions of the Agency to the Department in accordance with section 1511;

(3) the termination of functions of each covered agency as may be necessary to effectuate the reorganization under this subdivision, and the termination of the affairs of each agency abolished under this subdivision;

(4) the transfer to the Department of the functions and personnel of each covered agency consistent with the provisions of this subdivision; and

(5) the consolidation, reorganization, and streamlining of the Department in connection with the transfer of such functions and personnel in order to carry out such functions.

(b) COVERED AGENCIES.—The agencies covered by this section are the following:

(1) The United States Arms Control and Disarmament Agency.

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) The Agency for International Development.

(c) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall contain, consistent with this subdivision, such elements as the President deems appropriate, including elements that—

(1) identify the functions of each covered agency that will be transferred to the Department under the plan;

(2) specify the steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it under the plan;

(3) specify the funds available to each covered agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(4) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(5) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each covered agency in connection with the transfer of the functions of such agency to the Department.

(d) REORGANIZATION PLAN OF AGENCY FOR INTERNATIONAL DEVELOPMENT.—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development—

(1) may provide for the abolition of the Agency for International Development and the transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions set forth in section 1511; and

(B) may provide for additional consolidation, reorganization, and streamlining of AID, including—

(i) the termination of functions and reductions in personnel of AID;

(ii) the transfer of functions of AID, and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(e) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise any part of the plan transmitted under subsection (a) until that part of the plan becomes effective in accordance with subsection (g).

(f) REPORT.—The report accompanying the reorganization plan for the Department and the covered agencies submitted pursuant to this section shall describe the implementation of the plan and shall include—

(1) a detailed description of—

(A) the actions necessary or planned to complete the reorganization,

(B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and

(C) any preliminary actions which have been taken in the implementation process;

(2) the number of personnel and positions of each covered agency (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred to the Department, separated from service with such agency, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(3) the number of personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred within the Department, separated from service with the Department, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(4) a projected schedule for completion of the implementation process; and

(5) recommendations, if any, for legislation necessary to carry out changes made by this subdivision relating to personnel and to incidental transfers.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (e), shall become effective on the earlier of the date for the respective covered agency specified in paragraph (2) or the date announced by the President under paragraph (3).

(2) STATUTORY EFFECTIVE DATES.—The effective dates under this paragraph for the reorganization plan described in this section are the following:

(A) October 1, 1998, with respect to functions of the Agency for International Development described in section 1511.

(B) October 1, 1998, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(C) October 1, 1999, with respect to the abolition of the United States Information Agency.

(3) EFFECTIVE DATE BY PRESIDENTIAL DETERMINATION.—An effective date under this paragraph for a reorganization plan described in this section is such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 90 calendar days after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of a covered agency on a single date.

(5) SUPERSEDES EXISTING LAW.—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

(h) PUBLICATION.—The reorganization plan described in this section shall be printed in the Federal Register after the date upon which it first becomes effective.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 1611. REORGANIZATION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized, subject to the requirements of this subdivision, to allocate or reallocate any function transferred to the Department under any title of this subdivision, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this subdivision, but this subsection does not authorize the Secretary to modify the terms of any statute that establishes or defines the functions of any bureau, office, or officer of the Department.

(b) REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.—The reorganization plan transmitted under section 1601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing a Federal agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new Federal agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 1612. TRANSFER AND ALLOCATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as otherwise provided in this subdivision, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 1615(e)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof, transferred by any title of this subdivision shall be transferred to the Secretary for appropriate allocation.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—Except as provided in subsection (c), unexpended and unobligated funds transferred pursuant to any title of this subdivision shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) FUNDS TO FACILITATE TRANSITION.—

(1) CONGRESSIONAL NOTIFICATION.—Funds transferred pursuant to subsection (a) may be available for the purposes of reorganization subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(2) TRANSFER AUTHORITY.—Funds in any account appropriated to the Department of State may be transferred to another such account for the purposes of reorganization, subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). The authority in this paragraph is in addition to any other transfer authority available to the Secretary of State and shall expire September 30, 2000.

SEC. 1613. TRANSFER, APPOINTMENT, AND ASSIGNMENT OF PERSONNEL.

(a) TRANSFER OF PERSONNEL FROM ACDA AND USIA.—Except as otherwise provided in title XIII—

(1) not later than the date of abolition of ACDA, all personnel and positions of ACDA, and

(2) not later than the date of abolition of USIA, all personnel and positions of USIA,

shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(b) TRANSFER OF PERSONNEL FROM AID.—Except as otherwise provided in title XIII, not later than the date of transfer of any function of AID to the Department of State under this subdivision, all AID personnel performing such functions and all positions associated with such functions shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) ASSIGNMENT AUTHORITY.—The Secretary, for a period of not more than 6 months commencing on the effective date of the transfer to the Department of State of personnel under subsections (a) and (b), is authorized to assign such personnel to any position or set of duties in the Department of State regardless of the position held or duties performed by such personnel prior to transfer, except that, by virtue of such assignment, such personnel shall not have their grade or class or their rate of basic pay or basic salary rate reduced, nor their tenure changed. The Secretary shall consult with the relevant exclusive representatives (as defined in section 1002 of the Foreign Service Act and in section 7103 of title 5, United States Code) with regard to the exercise of this authority. This subsection does not authorize the Secretary to assign any individual to any position that by law requires appointment by the President, by and with the advice and consent of the Senate.

(d) SUPERSEDING OTHER PROVISIONS OF LAW.—Subsections (a) through (c) shall be exercised notwithstanding any other provision of law.

SEC. 1614. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, when requested by the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this subdivision. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this subdivision and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this subdivision.

SEC. 1615. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any title of this subdivision; and

(2) that are in effect as of the effective date of such title, or were final before the effective date of such title and are to become effective on or after the effective date of such title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of any title of this subdivision shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this subdivision before any Federal agency, commission, or component thereof, functions of which are transferred by any title of this subdivision. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) ORDERS, APPEALS, PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subdivision had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this subdivision shall be deemed to prohibit the

discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subdivision had not been enacted.

(4) REGULATIONS.—The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as provided in subsection (e) and section 1327(d)—

(1) the provisions of this subdivision shall not affect suits commenced prior to the effective dates of the respective titles of this subdivision; and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this subdivision had not been enacted.

(d) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this subdivision, shall abate by reason of the enactment of this subdivision. No cause of action by or against any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this subdivision, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this subdivision.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the effective date of any title of this subdivision, any Federal agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this subdivision any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then effective on such date such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this subdivision shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Federal agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this subdivision shall apply to the exercise of such function by the Secretary.

SEC. 1616. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Notwithstanding any provision of this subdivision, the Secretary of State, with the concurrence of the head of the appropriate Federal agency exercising functions transferred under this subdivision, may transfer the whole or part of such functions prior to the effective dates established in this subdivision, including the transfer of personnel and funds associated with such functions.

SEC. 1617. FINAL REPORT.

Not later than January 1, 2001, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this subdivision.

SUBDIVISION 2—FOREIGN RELATIONS AUTHORIZATION

TITLE XX—GENERAL PROVISIONS

SEC. 2001. SHORT TITLE.

This subdivision may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1998 and 1999".

SEC. 2002. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

In this subdivision, the term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE

SEC. 2101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs", of the Department of State $1,746,977,000 for the fiscal year 1998.

(2) SALARIES AND EXPENSES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "Salaries and Expenses", of the Department of State $363,513,000 for the fiscal year 1998.

(B) LIMITATIONS.—Of the amounts authorized to be appropriated by subparagraph (A) $2,000,000 for fiscal year 1998 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund", of the Department of State $86,000,000 for the fiscal year 1998.

(4) SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.—(A) For "Security and Maintenance of Buildings Abroad", $404,000,000 for the fiscal year 1998.

(B) Of the amounts authorized to be appropriated for the period ending September 30, 1999, by subparagraph (A), up to $90,000,000 are authorized to be appropriated for the renovation, acquisition, and construction of housing and secure diplomatic facilities at the United States Embassy in Beijing, and the United States Consulate in Shanghai, the People's Republic of China.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,300,000 for the fiscal year 1998.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $5,500,000 for the fiscal year 1998.

(7) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $28,300,000 for the fiscal year 1998.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $14,490,000 for the fiscal year 1998.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—(A) For "Protection of Foreign Missions and Officials", $7,900,000 for the fiscal year 1998.

(B) Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount appropriated was made.

(10) REPATRIATION LOANS.—For "Repatriation Loans", $1,200,000 for the fiscal year 1998.

SEC. 2102. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" $18,200,000 for the fiscal year 1998; and

(B) for "Construction" $6,463,000 for the fiscal year 1998.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $785,000 for the fiscal year 1998.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,225,000 for the fiscal year 1998.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,549,000 for the fiscal year 1998.

SEC. 2103. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164) is amended to read as follows:

"SEC. 404. There are authorized to be appropriated to the Secretary of State $10,000,000 for the fiscal year 1998 for grants to The Asia Foundation pursuant to this title.".

TITLE XXII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 2201. REIMBURSEMENT OF DEPARTMENT OF STATE FOR ASSISTANCE TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: "Notwithstanding any other provision of law, where the child of a United States citizen employee of an agency of the United States Government who is stationed outside the United States attends an educational facility assisted by the Secretary of State under this section, the head of that agency is authorized to reimburse, or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities, by grant or otherwise, under this section.".

SEC. 2202. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) PURPOSE.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

"(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

"(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

"(B) the killing or kidnapping of—

"(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

"(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

"(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

"(c) COORDINATION.—

"(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) the offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment, shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

"(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed $15,000,000.

"(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(e) LIMITATIONS AND CERTIFICATION.—

"(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed $2,000,000.

"(2) APPROVAL.—A reward under this section of more than $100,000 may not be made without the approval of the Secretary.

"(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

"(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than $100,000 set forth in paragraph (2) may not be delegated.

"(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) REPORTS.—

"(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

"(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

"(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

"(j) DEFINITIONS.—As used in this section:

"(1) ACT OF INTERNATIONAL TERRORISM.—The term 'act of international terrorism' includes—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or nonnuclear-weapon state (as defined in paragraph (5) of that section); and

"(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(3) MEMBER OF THE IMMEDIATE FAMILY.—The term 'member of the immediate family', with respect to an individual, includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person with respect to whom the individual stands in loco parentis; and

"(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

"(4) REWARDS PROGRAM.—The term 'rewards program' means the program established in subsection (a)(1).

"(5) UNITED STATES NARCOTICS LAWS.—The term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

"(6) UNITED STATES PERSON.—The term 'United States person' means—

"(A) a citizen or national of the United States; and

"(B) an alien lawfully present in the United States.".

SEC. 2203. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) by striking "$700,000 of the" and inserting "all";

(2) at the end of paragraph (1), by striking "and";

(3) in paragraph (2)—

(A) by striking "functions" and inserting "functions, including compliance and enforcement activities,"; and

(B) by striking the period at the end and inserting "; and"; and

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

"(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls.".

SEC. 2204. FEES FOR COMMERCIAL SERVICES.

Section 52(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724(b)) is amended by adding at the end the following: "Funds deposited under this subsection shall remain available for obligation through September 30 of the fiscal year following the fiscal year in which the funds were deposited.".

SEC. 2205. PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.

(a) FOREIGN AFFAIRS REIMBURSEMENT.—

(1) IN GENERAL.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(A) by redesignating subsection (d)(4) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

"(e)(1) The Secretary may provide appropriate training or related services, except foreign language training, through the institution to any United States person (or any employee or family member thereof) that is engaged in business abroad.

"(2) The Secretary may provide job-related training or related services, including foreign language training, through the institution to a United States person under contract to provide services to the United States Government or to any employee thereof that is performing such services.

"(3) Training under this subsection may be provided only to the extent that space is available and only on a reimbursable or advance-of-funds basis. Reimbursements and advances shall be credited to the currently available applicable appropriation account.

"(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

"(5) In this subsection, the term 'United States person' means—

"(A) any individual who is a citizen or national of the United States; or

"(B) any corporation, company, partnership, association, or other legal entity that is 50 percent or more beneficially owned by citizens or nationals of the United States.

"(f)(1) The Secretary is authorized to provide, on a reimbursable basis, training programs to Members of Congress or the Judiciary.

"(2) Employees of the legislative branch and employees of the judicial branch may participate, on a reimbursable basis, in training programs offered by the institution.

"(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1997.

(3) TERMINATION OF PILOT PROGRAM.—Effective October 1, 2001, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021), as amended by this subsection, is further amended—

(A) by striking subsections (e) and (f); and

(B) by redesignating subsection (g) as paragraph (4) of subsection (d).

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

"The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

(c) REPORTING ON PILOT PROGRAM.—Two years after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing—

(1) the number of persons who have taken advantage of the pilot program established under subsections (e) and (f) of section 701 of the Foreign Service Act of 1980 and section 53 of the State Department Basic Authorities Act of 1956, as added by this section;

(2) the business or government affiliation of such persons;

(3) the amount of fees collected; and

(4) the impact of the program on the primary mission of the National Foreign Affairs Training Center.

SEC. 2206. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

"SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

"The Secretary is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

SEC. 2207. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

"SEC. 55. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

"The Secretary shall include in the annual Congressional Presentation Document and the Budget in Brief a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also cover collections from the preceding fiscal year and the projected expenditures from all collections accounts.".

SEC. 2208. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

"(4) The Inspector General shall develop and provide to employees—

"(A) information detailing their rights to counsel; and

"(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation other than matters exempt from disclosure under other provisions of law.".

(b) NOTICE.—Section 209(e) of the Foreign Service Act of 1980 (22 U.S.C. 3929(e)) is amended by adding at the end the following new paragraph:

"(3) The Inspector General shall ensure that only officials from the Office of the Inspector General may participate in formal interviews or other formal meetings with the individual who is the subject of an investigation, other than an intelligence-related or sensitive undercover investigation, or except in those situations when the Inspector General has a reasonable basis to believe that such notice would cause tampering with witnesses, destroying evidence, or endangering the lives of individuals, unless that individual receives prior adequate notice regarding participation by officials of any other agency, including the Department of Justice, in such interviews or meetings.".

(c) REPORT.—

(1) IN GENERAL.—Not later than April 30, 1998, the Inspector General of the Department of State and the Foreign Service shall submit a report to the appropriate congressional committees which includes the following:

(A) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any officer or employee of the Department of State, the United States Information Agency, or the United States Arms Control and Disarmament Agency.

(B) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

(2) STATUTORY CONSTRUCTION.—Disclosure of information to the public under this section shall not be construed to include information shared with Congress by an employee of the Office of the Inspector General.

SEC. 2209. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a), by inserting "and enhancement" after "procurement";

(2) in subsection (c), by striking "are authorized to" and inserting "shall";

(3) in subsection (d), by striking "for expenditure to procure capital equipment and information technology" and inserting "for purposes of subsection (a)"; and

(4) by amending subsection (e) to read as follows:

"(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).".

SEC. 2210. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 10 percent;";

(2) by inserting "and" at the end of paragraph (5);

(3) by striking "; and" at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

SEC. 2211. AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.

Section 4(a) of the International Claims Settlement Act of 1949 (22 U.S.C. 1623(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the first sentence, by striking "(a) The" and all that follows through the period and inserting the following:

"(a)(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render a final decision with respect to any claim of the Government of the United States or of any national of the United States—

"(A) included within the terms of the Yugoslav Claims Agreement of 1948;

"(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

"(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State."; and

(3) by redesignating the second sentence as paragraph (2).

SEC. 2212. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

(a) RECOVERY OF CERTAIN EXPENSES.—The Department of State Appropriation Act of 1937 (22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled "INTERNATIONAL FISHERIES COMMISSION" by inserting "(including such expenses as salaries and other personnel expenses)" after "extraordinary expenses".

(b) PROCUREMENT OF SERVICES.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting "personal and" before "other support services".

SEC. 2213. GRANTS TO REMEDY INTERNATIONAL ABDUCTIONS OF CHILDREN.

Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100–300) is amended by adding at the end the following new subsection:

"(e) GRANT AUTHORITY.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the Convention and this Act.".

SEC. 2214. COUNTERDRUG AND ANTICRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific and, to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy, and works to achieve the objectives; and

(F) ensure that—

(i) all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms with the objectives; and

(ii) the recommendations of the Department regarding certification determinations made by the President on March 1 as to the counterdrug cooperation, or adequate steps on its own, of each major illicit drug producing and drug trafficking country to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances also conform to meet such objectives.

(3) REPORTS.—Not later than February 15 of each year subsequent to the submission of the strategy described in paragraph (1), the Secretary shall submit to Congress an update of the strategy. The update shall include—

(A) an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2); and

(B) detailed information on how certification determinations described in paragraph (2)(F) made the previous year affected achievement of the objectives set forth in paragraph (2) for the previous calendar year.

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTICRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every diplomatic mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—Consistent with existing memoranda of understanding between the Department of State and other departments and agencies of the United States, including the Department of Justice, the chief of mission of every diplomatic mission of the United States shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug, law enforcement, rule of law, and administration of justice programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every diplomatic mission of the United States shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at diplomatic missions of the United States in order to carry out the responsibility set forth in paragraph (1).

SEC. 2215. ANNUAL REPORT ON OVERSEAS SURPLUS PROPERTIES.

The Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.) is amended by adding at the end the following new section:

"SEC. 12. Not later than March 1 of each year, the Secretary of State shall submit to Congress a report listing overseas United States surplus properties that are administered under this Act and that have been identified for sale.".

SEC. 2216. HUMAN RIGHTS REPORTS.

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) by striking "January 31" and inserting "February 25";

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

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

"(3) the status of child labor practices in each country, including—

"(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

"(B) the extent to which each country enforces such policies, including the adequacy of the resources and oversight dedicated to such policies;".

SEC. 2217. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

"SEC. 56. CRIMES COMMITTED BY DIPLOMATS.

"(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

"(1) REPORT TO CONGRESS.—The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled "Report on Cases Involving Diplomatic Immunity".

"(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

"(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.

"(C) Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

"(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

"(F) Whether the Secretary has made the notifications referred to in subsection (c) during the period covered by the report.

"(3) SERIOUS CRIMINAL OFFENSE DEFINED.—For the purposes of this section, the term 'serious criminal offense' means—

"(A) any felony under Federal, State, or local law;

"(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

"(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

"(D)(i) driving under the influence of alcohol or drugs;

"(ii) reckless driving; or

"(iii) driving while intoxicated.

"(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

"(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

"(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

"(c) NOTIFICATION OF DIPLOMATIC CORPS.—The Secretary should periodically notify each foreign mission of United States policies relating to criminal offenses committed by individuals with immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.".

SEC. 2218. REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY.

(a) PROCUREMENT POLICY.—It is the policy of the United States to foster and support procurement of goods and services from private, commercial companies.

(b) IMPLEMENTATION.—In order to achieve the policy set forth in subsection (a), the Diplomatic Telecommunications Service Program Office (DTS-PO) shall—

(1) utilize full and open competition in the procurement of telecommunications services, including satellite space segment, for the Department of State and each other Federal entity represented at United States diplomatic missions and consular posts overseas;

(2) make every effort to ensure and promote the participation in the competition for such procurement of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the maximum extent practicable, the subcontracting level.

SEC. 2219. REDUCTION OF REPORTING.

(a) REPEALS.—The following provisions of law are repealed:

(1) MODEL FOREIGN LANGUAGE COMPETENCE POSTS.—The second sentence of section 161(c) of the Foreign Relations Authorization Act, Fiscal Year 1990 and 1991 (22 U.S.C. 4171 note).

(2) ACTIONS OF THE GOVERNMENT OF HAITI.—Section 705(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83).

(3) TRAINING FACILITY FOR THE FOREIGN SERVICE INSTITUTE.—Section 123(e)(2) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93).

(4) MILITARY ASSISTANCE FOR HAITI.—Section 203(c) of the Special Foreign Assistance Act of 1986 (Public Law 99–529).

(5) INTERNATIONAL SUGAR AGREEMENT, 1977.—Section 5 of the Act entitled "An Act providing for the implementation of the International Sugar Agreement, 1977, and for other purposes" (Public Law 96–236; 7 U.S.C. 3605 and 3606).

(6) AUDIENCE SURVEY OF WORLDNET PROGRAM.—Section 209 (c) and (d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204).

(7) RESEARCH ON THE NEAR AND MIDDLE EAST.—Section 228(b) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 22 U.S.C. 2452 note).

(b) PROGRESS TOWARD REGIONAL NONPROLIFERATION.—Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c); relating to periodic reports on progress toward regional nonproliferation) is amended by striking "Not later than April 1, 1993 and every six months thereafter," and inserting "Not later than April 1 of each year,".

(c) REPORT ON PARTICIPATION BY UNITED STATES MILITARY PERSONNEL ABROAD IN UNITED STATES ELECTIONS.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff(b)(6)) is amended by striking "of voter participation" and inserting "of uniformed services voter participation, a general assessment of overseas nonmilitary participation,".

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 2221. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For the fiscal year 1998, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to title V of the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103–317; 22 U.S.C. 214 note), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.

SEC. 2222. SURCHARGE FOR PROCESSING CERTAIN MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) in paragraph (2), by striking "providing consular services" and inserting "the Department of State's border security program, including the costs of the installation and operation of the machine readable visa and automated name-check process, improving the quality and security of the United States passport, investigations of passport and visa fraud, and the technological infrastructure to support the programs referred to in this sentence";

(2) by striking the first sentence of paragraph (3) and inserting "For the fiscal year 1998, any amount collected under paragraph (1) that exceeds $140,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956."; and

(3) by striking paragraphs (4) and (5).

SEC. 2223. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: "For purposes of this paragraph, the term 'consular officer' includes any United States citizen employee of the Department of State who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.".

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 1689 of the Revised Statutes (22 U.S.C. 4191) is amended by inserting "and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe" after "such officers".

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—

(1) DESIGNATED UNITED STATES CITIZENS PERFORMING NOTARIAL ACTS.—Section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221) is further amended by inserting after the first sentence: "At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government who is a United States citizen serving overseas, including any contract employee of the United States Government, to perform such acts, and any such contractor so authorized shall not be considered to be a consular officer.".

(2) DEFINITION OF CONSULAR OFFICERS.—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: "For purposes of this section and sections 3493 through 3496 of this title, the term 'consular officers' includes any United States citizen who is designated to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).".

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35, United States Code, is amended by adding at the end the following: "For purposes of this section, a consular officer shall include any United States citizen serving overseas, authorized to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).".

(e) DEFINITION OF CONSULAR OFFICER.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by—

(1) inserting "or employee" after "officer" the second place it appears; and

(2) inserting before the period at the end of the sentence "or, when used in title III, for the purpose of adjudicating nationality".

(f) TRAINING FOR EMPLOYEES PERFORMING CONSULAR FUNCTIONS.—Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding at the end the following new subsection:

"(d)(1) Before a United States citizen employee (other than a diplomatic or consular officer of the United States) may be designated by the Secretary of State, pursuant to regulation, to perform a consular function abroad, the United States citizen employee shall—

"(A) be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function; and

"(B) be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function.

"(2) As used in this subsection, the term 'consular function' includes the issuance of visas,

the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.".

SEC. 2224. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214), as amended (relating to accounting for consular fees) are repealed.

SEC. 2225. ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES.

(a) FOREIGN AIRPORTS.—Section 44908(a) of title 49, United States Code, is amended—

(1) by inserting "and" at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (46 U.S.C. App. 1804(a)) is amended by striking the second sentence, relating to Federal Register publication by the Secretary of State.

SEC. 2226. DENIAL OF VISAS TO CONFISCATORS OF AMERICAN PROPERTY.

(a) DENIAL OF VISAS.—Except as otherwise provided in section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), and subject to subsection (b), the Secretary of State may deny the issuance of a visa to any alien who—

(1) through the abuse of position, including a governmental or political party position, converts or has converted for personal gain real property that has been confiscated or expropriated, a claim to which is owned by a national of the United States, or who is complicit in such a conversion; or

(2) induces any of the actions or omissions described in paragraph (1) by any person.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any country established by international mandate through the United Nations; or

(2) any territory recognized by the United States Government to be in dispute.

(c) REPORTING REQUIREMENT.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report, including—

(1) a list of aliens who have been denied a visa under this subsection; and

(2) a list of aliens who could have been denied a visa under subsection (a) but were issued a visa and an explanation as to why each such visa was issued.

SEC. 2227. INADMISSIBILITY OF ANY ALIEN SUPPORTING AN INTERNATIONAL CHILD ABDUCTOR.

(a) AMENDMENT OF IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by striking clause (ii) and inserting the following:

"(ii) ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—Any alien who—

"(I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i),

"(II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

"(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence.

"(iii) EXCEPTIONS.—Clauses (i) and (ii) shall not apply—

"(I) to a government official of the United States who is acting within the scope of his or her official duties;

"(II) to a government official of any foreign government if the official has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or

"(III) so long as the child is located in a foreign state that is a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens seeking admission to the United States on or after the date of enactment of this Act.

SEC. 2228. HAITI; EXCLUSION OF CERTAIN ALIENS; REPORTING REQUIREMENTS.

(a) GROUNDS FOR EXCLUSION.—Except as provided in subsection (c), a consular officer shall not issue a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State, in the Secretary's sole and unreviewable discretion, has reason to believe is a person who—

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

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

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

(4)(A) was a member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected Government of Haiti or the subsequent murders of as many as three thousand Haitians during that period; or

(B) is an immediate relative of an individual described in subparagraph (A); or

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

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

(c) REPORTING REQUIREMENT ON EXCLUSION OF CERTAIN HAITIAN ALIENS.—

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

(2) SUBMISSION OF LIST TO CONGRESS.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees.

(3) LISTS OF VISA DENIALS AND EXCLUSIONS.—The Secretary of State shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States, as a result of subsection (a).

(4) DURATION FOR SUBMISSION OF LISTS.—The Secretary shall submit the list under paragraph (3) not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) REPORT ON THE COST OF UNITED STATES ACTIVITIES IN HAITI.—(1) Not later than January 1, 1998, and every 6 months thereafter, the President shall submit a report to Congress on the situation in Haiti, including—

(A) a listing of the units of the United States Armed Forces or Coast Guard and of the police and military units of other nations participating in operations in and around Haiti;

(B) incidents of the use of force in Haiti involving hostile acts against United States Armed Forces or Coast Guard personnel during the period covered by the report;

(C) the estimated cumulative program costs of all United States activities in Haiti during the period covered by the report, including—

(i) the incremental cost of deployments of United States Armed Forces and Coast Guard personnel training, exercises, mobilization, and preparation activities, including the United States contribution to the training and transportation of police and military units of other nations of any multilateral force involved in activities in Haiti;

(ii) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction assistance, assistance under part I of the Foreign Assistance Act of 1961, and other financial assistance, and all other costs to the United States Government; and

(D) a detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (3), including—

(i) in the case of amounts expended out of funds available to the Department of Defense budget, by military service or defense agency, line item, and program; and

(ii) in the case of amounts expended out of funds available to departments and agencies other than the Department of Defense, by department or agency and program.

(2) DEFINITION.—In this section, the term "period covered by the report" means the 6-month period prior to the date the report is required to be submitted, except that, in the case of the initial report, the term means the period since the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

CHAPTER 3—REFUGEES AND MIGRATION

Subchapter A—Authorization of Appropriations

SEC. 2231. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $650,000,000 for the fiscal year 1998 and $704,500,000 for the fiscal year 1999.

(2) LIMITATIONS.—

(A) LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), $1,000,000 for the fiscal year 1998 and $1,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) REFUGEES RESETTLING IN ISRAEL.—Of the amounts authorized to be appropriated in paragraph (1), $80,000,000 for the fiscal year 1998 and $80,000,000 for the fiscal year 1999 are authorized to be available for assistance for refugees resettling in Israel from other countries.

(C) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amounts authorized to be appropriated in paragraph (1), $1,500,000 for the fiscal year 1998 and $1,500,000 for the fiscal year 1999 for humanitarian assistance are authorized to be available, including food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

Subchapter B—Authorities

SEC. 2241. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—None of the funds made available by this subdivision shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) MIGRATION AND REFUGEE ASSISTANCE.—None of the funds made available by section 2231 of this division or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term "to effect the involuntary return" means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 2242. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) POLICY.—It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the heads of the appropriate agencies shall prescribe regulations to implement the obligations of the United States under Article 3 of the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

(c) EXCLUSION OF CERTAIN ALIENS.—To the maximum extent consistent with the obligations of the United States under the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention, the regulations described in subsection (b) shall exclude from the protection of such regulations aliens described in section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)).

(d) REVIEW AND CONSTRUCTION.—Notwithstanding any other provision of law, and except as provided in the regulations described in subsection (b), no court shall have jurisdiction to review the regulations adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to consider or review claims raised under the Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(e) AUTHORITY TO DETAIN.—Nothing in this section shall be construed as limiting the authority of the Attorney General to detain any person under any provision of law, including, but not limited to, any provision of the Immigration and Nationality Act.

(f) DEFINITIONS.—

(1) CONVENTION DEFINED.—In this section, the term "Convention" means the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

(2) SAME TERMS AS IN THE CONVENTION.—Except as otherwise provided, the terms used in this section have the meanings given those terms in the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

SEC. 2243. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended—

(1) in subsection (a)—

(A) by striking "Foreign Affairs" and inserting "International Relations and the Committee on Appropriations"; and

(B) by inserting "and the Committee on Appropriations" after "Foreign Relations"; and

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

"(c) The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.".

SEC. 2244. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

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

"(b) ALIENS COVERED.—

"(1) IN GENERAL.— An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is or has been accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

SEC. 2245. REPORTS TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary of State shall supplement the monthly report to Congress entitled "Update on Monitoring of Cuban Migrant Returnees" with additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

TITLE XXIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 2301. COORDINATOR FOR COUNTERTERRORISM.

(a) ESTABLISHMENT.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

"(f) COORDINATOR FOR COUNTERTERRORISM.—

"(1) IN GENERAL.—There is within the office of the Secretary of State a Coordinator for Counterterrorism (in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) DUTIES.—

"(A) IN GENERAL.—The Coordinator shall perform such duties and exercise such powers as the Secretary of State shall prescribe.

"(B) DUTIES DESCRIBED.—The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

"(3) RANK AND STATUS OF AMBASSADOR.—The Coordinator shall have the rank and status of Ambassador at Large.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking subsection (e).

SEC. 2302. ELIMINATION OF DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.

Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

SEC. 2303. PERSONNEL MANAGEMENT.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended by adding at the end the following new subsection:

"(g) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.".

SEC. 2304. DIPLOMATIC SECURITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended by adding at the end the following new subsection:

"(h) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (1) management, and (2) Federal law enforcement, intelligence, or security.".

SEC. 2305. NUMBER OF SENIOR OFFICIAL POSITIONS AUTHORIZED FOR THE DEPARTMENT OF STATE.

(a) UNDER SECRETARIES.—

(1) IN GENERAL.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended by striking "5" and inserting "6".

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretaries of State (5)" and inserting "Under Secretaries of State (6)".

(b) ASSISTANT SECRETARIES.—

(1) IN GENERAL.—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended by striking "20" and inserting "24".

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of State (20)" and inserting "Assistant Secretaries of State (24)".

(c) DEPUTY ASSISTANT SECRETARIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 2306. NOMINATION OF UNDER SECRETARIES AND ASSISTANT SECRETARIES OF STATE.

(a) UNDER SECRETARIES OF STATE.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this division, is further amended by adding at the end the following new paragraph:

"(4) NOMINATION OF UNDER SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the particular Under Secretary position in the Department of State that the individual shall have.".

(b) ASSISTANT SECRETARIES OF STATE.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this division, is further amended by adding at the end the following new paragraph:

"(3) NOMINATION OF ASSISTANT SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the regional or functional bureau or bureaus of the Department of State with respect to which the individual shall have responsibility.".

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 2311. FOREIGN SERVICE REFORM.

(a) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking "Members" and inserting "Subject to subsection (e), members"; and

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

"(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of any member of the Foreign Service described in subsection (a) (including any member of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.".

(b) EXPEDITED SEPARATION OUT.—

(1) SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, any member of the Foreign Service ranked by promotion boards of the Department of State in the bottom 5 percent of his or her class for 2 or more of the 5 years preceding the date of enactment of this Act (in this subsection referred to as the "years of lowest ranking") if the rating official for such member was not the same individual for any two of the years of lowest ranking.

(2) SPECIAL INTERNAL REVIEWS.—In any case where the member was evaluated by the same rating official in any 2 of the years of lowest ranking, an internal review of the member's file shall be conducted to determine whether the member should be considered for action leading to separation.

(3) PROCEDURES.—The Secretary of State shall develop procedures for the internal reviews required under paragraph (2).

SEC. 2312. RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION.

(a) BENEFITS.—Section 609 of the Foreign Service Act of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A), by inserting "or any other applicable provision of chapter 84 of title 5, United States Code," after "section 811";

(2) in subsection (a), by inserting "or section 855, as appropriate" after "section 806"; and

(3) in subsection (b)(2)—

(A) by striking "(2)" and inserting "(2)(A) for those participants in the Foreign Service Retirement and Disability System,"; and

(B) by inserting before the period at the end "; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851"; and

(4) in subsection (b) in the matter following paragraph (2), by inserting "(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)" after "age 60".

(b) ENTITLEMENT TO ANNUITY.—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1)—

(A) by inserting "611," after "608,";

(B) by inserting "or for participants in the Foreign Service Pension System," after "for participants in the Foreign Service Retirement and Disability System"; and

(C) by striking "Service shall" and inserting "Service, shall"; and

(2) in paragraph (3), by striking "or 610" and inserting "610, or 611".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1)(A) and (2) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 on or after January 1, 1996.

SEC. 2313. AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM THE FOREIGN SERVICE.

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking "A member" and inserting "Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member".

SEC. 2314. CAREER COUNSELING.

(a) IN GENERAL.—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following new sentence: "Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment that consists primarily of paid time to conduct a job search and without other substantive duties for more than one month.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective 180 days after the date of the enactment of this Act.

SEC. 2315. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

"(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include—

"(A) any chief of mission;

"(B) any principal officer or deputy principal officer;

"(C) any administrative or personnel officer abroad; or

"(D) any individual described in section 1002(12) (B), (C), or (D) who is not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.".

SEC. 2316. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.

(a) IN GENERAL.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

"(k)(1) For purposes of this section, the term 'criminal investigator' includes a special agent occupying a position under title II of Public Law 99–399 if such special agent—

"(A) meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof); and

"(B) such special agent satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

"(2) In applying subsection (h) with respect to a special agent under this subsection—

"(A) any reference in such subsection to 'basic pay' shall be considered to include amounts designated as 'salary';

"(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

"(C) paragraph (2)(B) of such subsection shall be applied by substituting for 'Office of Personnel Management' the following: 'Office of Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.".

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking "Public Law 99–399)" and inserting "Public Law 99–399, subject to subsection (k))".

(2) Section 5542(e) of such title is amended by striking "title 18, United States Code," and inserting "title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

SEC. 2317. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday."; and

(2) at the end of section 5546(a), by adding the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.".

SEC. 2318. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.

The Secretary of State shall during each of calendar years 1998 and 1999 submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data for the last preceding examination and promotion cycles for which such information is available (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written Foreign Service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written Foreign Service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral Foreign Service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.

(5) The numbers and percentages of all minority Foreign Service officers at each grade.

(6) The numbers of and percentages of minorities promoted at each grade of the Foreign Service officer corps.

TITLE XXIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 2401. INTERNATIONAL INFORMATION ACTIVITIES AND EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL INFORMATION PROGRAM.—For "International Information Program", $431,000,000 for the fiscal year 1998.

(2) TECHNOLOGY FUND.—For the "Technology Fund" for the United States Information Agency, $6,350,000 for the fiscal year 1998.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—There are authorized to be appropriated for the "Fulbright Academic Exchange Programs" (other than programs described in subparagraph (B)), $99,236,000 for the fiscal year 1998.

(ii) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under clause (i), $5,000,000 for the fiscal year 1998 is authorized to be available for the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—There are authorized to be appropriated for other educational and cultural exchange programs authorized by law, $103,495,000 for the fiscal year 1998.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for "South Pacific Exchanges".

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for "East Timorese Scholarships".

(iv) TIBETAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for "Educational and Cultural Exchanges with Tibet" under section 236 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "International Broadcasting Operations", $364,415,000 for the fiscal year 1998.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Broadcasting Board of Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For "Radio Construction", $40,000,000 for the fiscal year 1998.

(6) RADIO FREE ASIA.—For "Radio Free Asia", $22,000,000 for the fiscal year 1998 and an additional $8,000,000 in fiscal year 1998 for one-time capital costs.

(7) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $22,095,000 for the fiscal year 1998.

(8) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the "Center for Cultural and Technical Interchange between East and West", $12,000,000 for the fiscal year 1998.

(9) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the "National Endowment for Democracy", $30,000,000 for the fiscal year 1998.

(10) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.—For "Center for Cultural and Technical Interchange between North and South" $1,500,000 for the fiscal year 1998.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

SEC. 2411. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement, and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned may be obligated and expended for the purposes for which the grant was made without further appropriation.

SEC. 2412. USE OF SELECTED PROGRAM FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended to read as follows:

"USE OF ENGLISH-TEACHING PROGRAM FEES

"SEC. 810. (a) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other law or limitation of authority, fees and receipts described in subsection (b) are authorized to be credited each fiscal year for authorized purposes to the appropriate appropriations of the United States Information Agency to such extent as may be provided in advance in appropriations acts.

"(b) FEES AND RECEIPTS DESCRIBED.—The fees and receipts described in this subsection are fees and payments received by or for the use of the United States Information Agency from or in connection with—

"(1) English-teaching and library services,

"(2) educational advising and counseling,

"(3) Exchange Visitor Program Services,

"(4) advertising and business ventures of the Voice of America and the International Broadcasting Bureau,

"(5) cooperating international organizations, and

"(6) Agency-produced publications,

"(7) an amount not to exceed $100,000 of the payments from motion picture and television programs produced or conducted by or on behalf of the Agency under the authority of this Act or the Mutual Education and Cultural Exchange Act of 1961.".

SEC. 2413. MUSKIE FELLOWSHIP PROGRAM.

(a) GUIDELINES.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended by inserting "journalism and communications, education administration, public policy, library and information science," after "business administration," each of the two places it appears.

(b) REDESIGNATION OF SOVIET UNION.—Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsections (a), (b), and (c)(5), by striking "Soviet Union" each place it appears and inserting "independent states of the former Soviet Union";

(2) in subsection (c)(11), by striking "Soviet republics" and inserting "independent states of the former Soviet Union"; and

(3) in the section heading, by inserting "**INDEPENDENT STATES OF THE FORMER**" after "**FROM THE**".

SEC. 2414. WORKING GROUP ON UNITED STATES GOVERNMENT-SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

"(g) WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government-Sponsored International Exchanges and Training (in this section referred to as the 'Working Group').

"(2) For purposes of this subsection, the term 'Government-sponsored international exchanges and training' means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

"(3) The Working Group shall be composed as follows:

"(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

"(B) A senior representative of the Department of State, who shall be designated by the Secretary of State.

"(C) A senior representative of the Department of Defense, who shall be designated by the Secretary of Defense.

"(D) A senior representative of the Department of Education, who shall be designated by the Secretary of Education.

"(E) A senior representative of the Department of Justice, who shall be designated by the Attorney General.

"(F) A senior representative of the Agency for International Development, who shall be designated by the Administrator of the Agency.

"(G) Senior representatives of such other departments and agencies as the Chair determines to be appropriate.

"(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the Adviser and the Director, respectively.

"(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

"(6) The Working Group shall have the following purposes and responsibilities:

"(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

"(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

"(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs, to identify how each Government-sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

"(D)(i) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall develop a coordinated and cost-effective strategy for all United States Government-sponsored international exchange and training programs, including an action plan with the objective of achieving a minimum of 10 percent cost savings through greater efficiency, the consolidation of programs, or the elimination of duplication, or any combination thereof.

"(ii) Not later than 1 year after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall submit a report to the appropriate congressional committees setting forth the strategy and action plan required by clause (i).

"(iii) Each year thereafter the Working Group shall assess the strategy and plan required by clause (i).

"(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommendations on common performance measures for all United States Government-sponsored international exchange and training programs, and to issue a report.

"(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

"(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility and advisability of transferring funds and program management for the ATLAS or the Mandela Fellows programs, or both, in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost effects of consolidating such programs under one entity.

"(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

"(8) The Working Group shall meet at least on a quarterly basis.

"(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

"(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

"(11) With respect to any report issued under paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.".

SEC. 2415. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) IN GENERAL.—Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended—

(1) by striking "for fiscal year 1997" and inserting "for each of the fiscal years 1998 and 1999"; and

(2) by inserting after "who are outside Tibet" the following: "(if practicable, including individuals active in the preservation of Tibet's unique culture, religion, and language)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1997.

SEC. 2416. UNITED STATES-JAPAN COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) ELIMINATION OF RESTRICTION.—Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking "needed, except" and all that follows through "United States" and inserting "needed".

(2) AUTHORIZED INVESTMENTS.—The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: "Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.".

(b) REDESIGNATION OF COMMISSION.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Commission shall be redesignated as the "United States-Japan Commission". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) CONFORMING AMENDMENT.—The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION".

(3) CONFORMING AMENDMENT.—The Japan-United States Friendship Act is amended by striking "Japan-United States Friendship Commission" each place such term appears and inserting "United States-Japan Commission".

(c) REDESIGNATION OF TRUST FUND.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Trust Fund shall be redesignated as the "United States-Japan Trust Fund". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States

Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.

(2) CONFORMING AMENDMENT.—Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

SEC. 2417. SURROGATE BROADCASTING STUDY.

Not later than 6 months after the date of enactment of this Act, the Broadcasting Board of Governors, acting through the International Broadcasting Bureau, should conduct and complete a study of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

SEC. 2418. RADIO BROADCASTING TO IRAN IN THE FARSI LANGUAGE.

(a) RADIO FREE IRAN.—Not more than $4,000,000 of the funds made available under section 2401(4) of this division for the fiscal year 1998 for grants to RFE/RL, Incorporated, shall be available only for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iranian people in the Farsi language, such broadcasts to be designated as "Radio Free Iran".

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing the costs, implementation, and plans for creation of the surrogate broadcasting service described in subsection (a).

(c) AVAILABILITY OF FUNDS.—None of the funds made available under subsection (a) may be made available until submission of the report required under subsection (b).

SEC. 2419. AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 2420. PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking paragraph (4).

SEC. 2421. VOICE OF AMERICA BROADCASTS.

(a) IN GENERAL.—The Voice of America shall devote programming each day to broadcasting information on the individual States of the United States. The broadcasts shall include—

(1) information on the products, tourism, and cultural and educational facilities of each State;

(2) information on the potential for trade with each State; and

(3) discussions with State officials with respect to the matters described in paragraphs (1) and (2).

(b) REPORT.—Not later than July 1, 1998, the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

(c) STATE DEFINED.—In this section, the term "State" means any of the several States of the United States, the District of Columbia, or any commonwealth or territory of the United States.

TITLE XXV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS

SEC. 2501. INTERNATIONAL CONFERENCES AND CONTINGENCIES.

There are authorized to be appropriated for "International Conferences and Contingencies", $12,000,000 for the fiscal year 1998 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 2502. RESTRICTION RELATING TO UNITED STATES ACCESSION TO ANY NEW INTERNATIONAL CRIMINAL TRIBUNAL.

(a) PROHIBITION.—The United States shall not become a party to any new international criminal tribunal, nor give legal effect to the jurisdiction of such a tribunal over any matter described in subsection (b), except pursuant to—

(1) a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act; or

(2) any statute enacted by Congress on or after the date of enactment of this Act.

(b) JURISDICTION DESCRIBED.—The jurisdiction described in this subsection is jurisdiction over—

(1) persons found, property located, or acts or omissions committed, within the territory of the United States; or

(2) nationals of the United States, wherever found.

(c) STATUTORY CONSTRUCTION.—Nothing in this section precludes sharing information, expertise, or other forms of assistance with such tribunal.

(d) DEFINITION.—The term "new international criminal tribunal" means any permanent international criminal tribunal established on or after the date of enactment of this Act and does not include—

(1) the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993; or

(2) the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

SEC. 2503. UNITED STATES MEMBERSHIP IN THE BUREAU OF THE INTERPARLIAMENTARY UNION.

(a) INTERPARLIAMENTARY UNION LIMITATION.—Unless the Secretary of State certifies to Congress that the United States will be assessed not more than $500,000 for its annual contribution to the Bureau of the Interparliamentary Union during fiscal year 1998, then effective October 1, 1998, the authority for further participation by the United States in the Bureau shall terminate in accordance with subsection (d).

(b) ELIMINATION OF AUTHORITY TO PAY EXPENSES OF THE AMERICAN GROUP.—Section 1 of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276) is amended—

(1) in the first sentence—

(A) by striking "fiscal year" and all that follows through "(1) for" and inserting "fiscal year for";

(B) by striking "; and"; and

(C) by striking paragraph (2); and

(2) by striking the second sentence.

(c) ELIMINATION OF PERMANENT APPROPRIATION.—Section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988 (Public Law 100–202; 22 U.S.C. 276 note)) is amended—

(1) by striking "$440,000" and inserting "$350,000"; and

(2) by striking "paragraph (2) of the first section of Public Law 74–170,".

(d) CONDITIONAL TERMINATION OF AUTHORITY.—Unless Congress receives the certification described in subsection (a) before October 1, 1998, effective on that date the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276–276a–4) is repealed.

(e) TRANSFER OF FUNDS TO THE TREASURY.—Unobligated balances of appropriations made under section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988; Public Law 100–202) that are available as of the day before the date of enactment of this Act shall be transferred on such date to the general fund of the Treasury of the United States.

SEC. 2504. SERVICE IN INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: "On reemployment, an employee entitled to the benefits of subsection (a) is entitled to the rate of basic pay to which the employee would have been entitled had the employee remained in the civil service. On reemployment, the agency shall restore the sick leave account of the employee, by credit or charge, to its status at the time of transfer. The period of separation caused by the employment of the employee with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transfers that take effect on or after the date of enactment of this Act.

SEC. 2505. REPORTS REGARDING FOREIGN TRAVEL.

(a) PROHIBITION.—Except as provided in subsection (e), none of the funds authorized to be appropriated by this division may be used to pay for the expenses of foreign travel by an officer or employee of an Executive branch agency to attend an international conference, or for the routine services that a United States diplomatic mission or consular post provides in support of foreign travel by such an officer or employee to attend an international conference, unless that officer or employee has submitted a preliminary report with respect to that foreign travel in accordance with subsection (b), and has not previously failed to submit a final report with respect to foreign travel to attend an international conference required by subsection (c).

(b) PRELIMINARY REPORTS.—A preliminary report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to proposed foreign travel to attend an international conference, submitted to the Director prior to commencement of the travel, setting forth—

(1) the name and employing agency of the officer or employee;

(2) the name of the official who authorized the travel; and

(3) the purpose and duration of the travel.

(c) FINAL REPORTS.—A final report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to foreign travel to attend an international conference, submitted to the Director not later than 30 days after the conclusion of the travel—

(1) setting forth the actual duration and cost of the travel; and

(2) updating any other information included in the preliminary report.

(d) REPORTS TO CONGRESS.—The Director shall submit a report no later than October 1

and April 1 of each year to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives, setting forth with respect to each international conference for which reports described in subsection (c) were required to be submitted to the Director during the preceding six months—

(1) the names and employing agencies of all officers and employees of Executive branch agencies who attended the international conference;

(2) the names of all officials who authorized travel to the international conference, and the total number of officers and employees who were authorized to travel to the conference by each such official; and

(3) the total cost of travel by officers and employees of Executive branch agencies to the international conference.

(e) EXCEPTIONS.—This section shall not apply to travel by—

(1) the President or the Vice President; or

(2) any officer or employee who is carrying out an intelligence or intelligence-related activity, who is performing a protective function, or who is engaged in a sensitive diplomatic mission.

(f) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of the Office of International Conferences of the Department of State.

(2) EXECUTIVE BRANCH AGENCY.—The terms "Executive branch agency" and "Executive branch agencies" mean—

(A) an entity or entities, other than the General Accounting Office, defined in section 105 of title 5, United States Code; and

(B) the Executive Office of the President (except as provided in subsection (e)).

(3) INTERNATIONAL CONFERENCE.—The term "international conference" means any meeting held under the auspices of an international organization or foreign government, at which representatives of more than two foreign governments are expected to be in attendance, and to which United States Executive branch agencies will send a total of ten or more representatives.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the total Federal expenditure of all official international travel in each Executive branch agency during the previous fiscal year; and

(2) the total number of individuals in each agency who engaged in such travel.

TITLE XXVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 2601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act $41,500,000 for the fiscal year 1998.

SEC. 2602. STATUTORY CONSTRUCTION.

Section 303 of the Arms Control and Disarmament Act (22 U.S.C. 2573), as redesignated by section 1223 of this division, is amended by adding at the end the following new subsection:

"(c) STATUTORY CONSTRUCTION.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.".

TITLE XXVII—EUROPEAN SECURITY ACT OF 1997

SEC. 2701. SHORT TITLE.

This title may be cited as the "European Security Act of 1997".

SEC. 2702. STATEMENT OF POLICY.

(a) POLICY WITH RESPECT TO NATO ENLARGEMENT.—Congress urges the President to outline a clear and complete strategic rationale for the enlargement of the North Atlantic Treaty Organization (NATO), and declares that—

(1) Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO;

(2) the United States should ensure that NATO continues a process whereby all other emerging democracies in Central and Eastern Europe that wish to join NATO will be considered for membership in NATO as soon as they meet the criteria for such membership;

(3) the United States should ensure that no limitations are placed on the numbers of NATO troops or types of equipment, including tactical nuclear weapons, to be deployed on the territory of new member states;

(4) the United States should reject all efforts to condition NATO decisions on review or approval by the United Nations Security Council;

(5) the United States should clearly delineate those NATO deliberations, including but not limited to discussions on arms control, further Alliance enlargement, procurement matters, and strategic doctrine, that are not subject to review or discussion in the NATO-Russia Permanent Joint Council;

(6) the United States should work to ensure that countries invited to join the Alliance are provided an immediate seat in NATO discussions; and

(7) the United States already pays more than a proportionate share of the costs of the common defense of Europe and should obtain, in advance, agreement on an equitable distribution of the cost of NATO enlargement to ensure that the United States does not continue to bear a disproportionate burden.

(b) POLICY WITH RESPECT TO NEGOTIATIONS WITH RUSSIA.—

(1) IMPLEMENTATION.—NATO enlargement should be carried out in such a manner as to underscore the Alliance's defensive nature and demonstrate to Russia that NATO enlargement will enhance the security of all countries in Europe, including Russia. Accordingly, the United States and its NATO allies should make this intention clear in negotiations with Russia, including negotiations regarding adaptation of the Conventional Armed Forces in Europe (CFE) Treaty of November 19, 1990.

(2) LIMITATIONS ON COMMITMENTS TO RUSSIA.—In seeking to demonstrate to Russia NATO's defensive and security-enhancing intentions, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized. In particular, no commitments should be made to Russia that would have the effect of—

(A) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(B) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(C) providing any international organization, or any country that is not a member of NATO, with authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO;

(D) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance;

(E) establishing a nuclear weapons-free zone in Central or Eastern Europe;

(F) requiring NATO to subsidize Russian arms sales, service, or support to the militaries of those former Warsaw Pact countries invited to join the Alliance; or

(G) legitimizing Russian efforts to link concessions in arms control negotiations to NATO enlargement.

(3) COMMITMENTS FROM RUSSIA.—In order to enhance security and stability in Europe, the United States should seek commitments from Russia—

(A) to demarcate and respect all its borders with neighboring states;

(B) to achieve the immediate and complete withdrawal of any armed forces and military equipment under the control of Russia that are deployed on the territories of the independent states of the former Soviet Union without the full and complete agreement of those states;

(C) to station its armed forces on the territory of other states only with the full and complete agreement of that state and in strict accordance with international law; and

(D) to take steps to reduce further its nuclear and conventional forces in Kaliningrad.

(4) CONSULTATIONS.—As negotiations on adaptation of the Treaty on Conventional Armed Forces in Europe proceed, the United States should engage in close and continuous consultations not only with its NATO allies, but also with the emerging democracies of Central and Eastern Europe, Ukraine, and the South Caucasus.

(c) POLICY WITH RESPECT TO BALLISTIC MISSILE DEFENSE COOPERATION.—

(1) IN GENERAL.—As the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning.

(2) DISCUSSIONS WITH NATO ALLIES.—The United States should initiate discussions with its NATO allies for the purpose of examining the feasibility of deploying a ballistic missile defense capable of protecting NATO's southern and eastern flanks from a limited ballistic missile attack.

(3) CONSTITUTIONAL PREROGATIVES.—Even as the Congress seeks to promote ballistic missile defense cooperation with Russia, it must insist on its constitutional prerogatives regarding consideration of arms control agreements with Russia that bear on ballistic missile defense.

SEC. 2703. AUTHORITIES RELATING TO NATO ENLARGEMENT.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2702(a).

(b) DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.—

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2)

of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) SENSE OF CONGRESS.—It is the sense of Congress that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

(c) REGIONAL AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Funds described in paragraph (2) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(A) the procurement of items in support of these programs; and

(B) the transfer of such items to countries participating in these programs.

(2) FUNDS DESCRIBED.—Funds described in this paragraph are funds that are available—

(A) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(B) during fiscal year 1998 under any Act to carry out the Warsaw Initiative.

(d) EXTENSION OF AUTHORITY REGARDING EXCESS DEFENSE ARTICLES.—Section 105 of Public Law 104-164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1997, 1998, and 1999".

(e) CONFORMING AMENDMENTS TO THE NATO PARTICIPATION ACT OF 1994.—Section 203(c) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) is amended—

(1) in paragraph (1), by striking ", without regard to the restrictions" and all that follows through "section)";

(2) by striking paragraph (2);

(3) in paragraph (6), by striking "appropriated under the 'Nonproliferation and Disarmament Fund' account" and inserting "made available for the 'Nonproliferation and Disarmament Fund'"; and

(4) in paragraph (8)—

(A) by striking "any restrictions in sections 516 and 519" and inserting "section 516(e)";

(B) by striking "as amended,"; and

(C) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)"; and

(5) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively.

SEC. 2704. SENSE OF CONGRESS WITH RESPECT TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

It is the sense of Congress that no revisions to the Treaty on Conventional Armed Forces in Europe will be approved for entry into force with respect to the United States that jeopardize fundamental United States security interests in Europe or the effectiveness and flexibility of NATO as a defensive alliance by—

(1) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(2) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(3) providing any international organization, or any country that is not a member of NATO, with the authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO; or

(4) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance.

SEC. 2705. RESTRICTIONS AND REQUIREMENTS RELATING TO BALLISTIC MISSILE DEFENSE.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2702(c).

(b) RESTRICTION ON ENTRY INTO FORCE OF ABM/TMD DEMARCATION AGREEMENTS.—An ABM/TMD demarcation agreement shall not be binding on the United States, and shall not enter into force with respect to the United States, unless, after the date of enactment of this Act, that agreement is specifically approved with the advice and consent of the United States Senate pursuant to Article II, section 2, clause 2 of the Constitution.

(c) SENSE OF CONGRESS WITH RESPECT TO DEMARCATION AGREEMENTS.—

(1) RELATIONSHIP TO MULTILATERALIZATION OF ABM TREATY.—It is the sense of Congress that no ABM/TMD demarcation agreement will be considered for advice and consent to ratification unless, consistent with the certification of the President pursuant to condition (9) of the resolution of ratification of the CFE Flank Document, the President submits for Senate advice and consent to ratification any agreement, arrangement, or understanding that would—

(A) add one or more countries as State Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or

(B) change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term "national territory" as used in Article VI and Article IX of the ABM Treaty.

(2) PRESERVATION OF UNITED STATES THEATER BALLISTIC MISSILE DEFENSE POTENTIAL.—It is the sense of Congress that no ABM/TMD demarcation agreement that would reduce the capabilities of United States theater missile defense systems, or the numbers or deployment patterns of such systems, will be approved for entry into force with respect to the United States.

(d) REPORT ON COOPERATIVE PROJECTS WITH RUSSIA.—Not later than January 1, 1998, January 1, 1999, and January 1, 2000, the President shall submit to the Committees on International Relations, National Security, and Appropriations of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate a report on cooperative projects with Russia in the area of ballistic missile defense, including in the area of early warning. Each such report shall include the following:

(1) COOPERATIVE PROJECTS.—A description of all cooperative projects conducted in the area of early warning and ballistic missile defense during the preceding fiscal year and the fiscal year during which the report is submitted.

(2) FUNDING.—A description of the funding for such projects during the preceding fiscal year and the year during which the report is submitted and the proposed funding for such projects for the next fiscal year.

(3) STATUS OF DIALOGUE OR DISCUSSIONS.—A description of the status of any dialogue or discussions conducted during the preceding fiscal year between the United States and Russia aimed at exploring the potential for mutual accommodation of outstanding issues between the two nations on matters relating to ballistic missile defense and the ABM Treaty, including the possibility of developing a strategic relationship not based on mutual nuclear threats.

(e) DEFINITIONS.—In this section:

(1) ABM/TMD DEMARCATION AGREEMENT.—The term "ABM/TMD demarcation agreement" means any agreement that establishes a demarcation between theater ballistic missile defense systems and strategic antiballistic missile defense systems for purposes of the ABM Treaty.

(2) ABM TREATY.—The term "ABM Treaty" means the Treaty Between the United States of American and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972 (23 UST 3435), and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974 (27 UST 1645).

TITLE XXVIII—MISCELLANEOUS PROVISIONS

SEC. 2801. REPORT ON RELATIONS WITH VIETNAM.

In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary of State shall submit a report to the appropriate congressional committees, not later than 90 days after the date of enactment of this Act and every 180 days thereafter during the period ending September 30, 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved cases of prisoners of war (POWs) or persons missing-in-action (MIAs) through the provision of records and the unilateral and joint recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101-167).

SEC. 2802. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act and every 3 months thereafter during the period ending September 30, 1999, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091). Each report shall include—

(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to that section;

(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to that section;

(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to that section;

(4) an explanation of the status of the review underway for the cases referred to in paragraph (1); and

(5) an unclassified explanation of each determination of the Secretary of State under section 401(a) of that Act and each finding of the Secretary under section 401(c) of that Act—

(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

(B) in the preceding 3-month period, in the case of each subsequent report.

(b) PROTECTION OF IDENTITY OF CONCERNED ENTITIES.—In preparing the report under subsection (a), the names of entities shall not be identified under paragraph (1) or (4).

SUBDIVISION 3—UNITED NATIONS REFORM

TITLE XXX—GENERAL PROVISIONS

SEC. 3001. SHORT TITLE.

This subdivision may be cited as the "United Nations Reform Act of 1997".

SEC. 3002. DEFINITIONS.

In this subdivision:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) DESIGNATED SPECIALIZED AGENCY DEFINED.—The term "designated specialized agency" means the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) GENERAL ASSEMBLY.—The term "General Assembly" means the General Assembly of the United Nations.

(4) SECRETARY GENERAL.—The term "Secretary General" means the Secretary General of the United Nations.

(5) SECURITY COUNCIL.—The term "Security Council" means the Security Council of the United Nations.

(6) UNITED NATIONS MEMBER.—The term "United Nations member" means any country that is a member of the United Nations.

(7) UNITED NATIONS PEACEKEEPING OPERATION.—The term "United Nations peacekeeping operation" means any United Nations-led operation to maintain or restore international peace or security that—

(A) is authorized by the Security Council; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

SEC. 3003. NONDELEGATION OF CERTIFICATION REQUIREMENTS.

The Secretary of State may not delegate the authority in this subdivision to make any certification.

TITLE XXXI—AUTHORIZATION OF APPROPRIATIONS

SEC. 3101. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading "Contributions to International Organizations" $938,000,000 for the fiscal year 1998 and $900,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) NO GROWTH BUDGET.—

(1) FISCAL YEAR 1998.—Of the funds made available for fiscal year 1998 under subsection (a), $80,000,000 may be made available only after the Secretary of State certifies that the United Nations has taken no action during calendar year 1997 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget of $2,603,290,900 for the biennium 1996–97 adopted in December 1996.

(2) FISCAL YEAR 1999.—Of the funds made available for fiscal year 1999 under subsection (a), $80,000,000 may be made available only after the Secretary of State certifies that the United Nations has taken no action during calendar year 1998 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget of $2,533,000,000 and cause the United Nations to exceed that budget.

(c) INSPECTOR GENERAL OF THE UNITED NATIONS.—

(1) WITHHOLDING OF FUNDS.—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) CERTIFICATION.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) ACTION BY THE UNITED NATIONS.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), as amended by paragraph (3);

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Service to report directly to the Secretary General on the adequacy of the Office's resources to enable the Office to fulfill its mandate; and

(iii) has made available an adequate amount of funds to the Office for carrying out its functions.

(B) AUTHORITY OF OIOS.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified, in writing, of that authority.

(3) AMENDMENT OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995.—Section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended—

(A) by amending paragraph (6) to read as follows:

"(6) the United Nations has procedures in place to ensure that all reports submitted by the Office of Internal Oversight Service are made available to the member states of the United Nations without modification except to the extent necessary to protect the privacy rights of individuals."; and

(B) by striking "Inspector General" each place it appears and inserting "Office of Internal Oversight Service".

(d) PROHIBITION ON CERTAIN GLOBAL CONFERENCES.—None of the funds made available under subsection (a) shall be available for any United States contribution to pay for any expenses related to the holding of a United Nations Global Conference.

(e) REDUCTION IN NUMBER OF POSTS.—

(1) FISCAL YEAR 1998.—Of the funds authorized to be appropriated for fiscal year 1998 for the United Nations by subsection (a), $50,000,000 shall be withheld from obligation and expenditure until the Secretary of State certifies to Congress that the number of posts authorized under the 1998–99 regular budget of the United Nations, and authorized by the General Assembly, has resulted in a net reduction of at least 1,000 posts from the 10,012 posts authorized under the 1996–97 United Nations biennium budget, as a result of a suppression of that number of posts.

(2) FISCAL YEAR 1999.—Not later than October 1, 1998, the Secretary of State shall submit a report to the appropriate congressional committees specifying—

(A) the budget savings associated with the reduction of the 1,000 posts specified in paragraph (1), including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those savings;

(B) the vacancy rates for United Nations professional and general service staff contained in the United Nations biennium budget for 1998–99, including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those vacancy rates; and

(C) the goals of the United States for further staff reductions and associated budget savings for the 1998–99 United Nations biennium budget.

(f) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—None of the funds made available for the 1998-1999 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, and the 1998 Desertification Convention.

(g) LIMITATIONS FOR FISCAL YEARS 1999 AND 2000.—

(1) IN GENERAL.—The total amount of funds made available for all United States memberships in international organizations under the heading "Contributions to International Organizations" may not exceed $900,000,000 for each of fiscal years 1999 and 2000.

(2) CONSULTATIONS WITH CONGRESS.—The Secretary of State shall regularly consult with the appropriate congressional committees regarding the impact, if any, of the limitation in paragraph (1) on the maintenance of United States membership in such international organizations.

(h) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(i) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 3102. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading "Contributions for International Peacekeeping Activities" $220,000,000 for the fiscal year 1998 and $220,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(b) CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) CODIFICATION.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(A) in subsection (a), by striking the second sentence; and

(B) by striking subsection (e) and inserting the following:

"(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

"(1) CONSULTATIONS.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

"(2) INFORMATION TO BE PROVIDED.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

"(A) With respect to ongoing United Nations peacekeeping operations, the following:

"(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

"(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

"(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

"(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and the estimated costs to the United States of such changes.

"(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

"(i) The anticipated duration, mandate, the command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

"(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

"(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

"(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and an estimate of the cost to the United States of such assistance or support.

"(v) A reprogramming of funds pursuant to section 34 of the State Department Basic Authorities Act of 1956, submitted in accordance with the procedures set forth in such section, describing the source of funds that will be used to pay for the cost of the new United Nations peacekeeping operation, provided that such notification shall also be submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

"(3) FORM AND TIMING OF INFORMATION.—

"(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

"(B) TIMING.—

"(i) ONGOING OPERATIONS.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

"(ii) NEW OPERATIONS.—The information required under paragraph (2)(B) shall be submitted in writing with respect to each new United Nations peacekeeping operation not less than 15 days before the anticipated date of the vote on the resolution concerned unless the President determines that exceptional circumstances prevent compliance with the requirement to report 15 days in advance. If the President makes such a determination, the information required under paragraph (2)(B) shall be submitted as far in advance of the vote as is practicable.

"(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

"(A) where the authorized force strength is to be expanded;

"(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

"(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or significantly different functions.

"(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

"(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

"(i) IN GENERAL.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

"(ii) EXCEPTION.—This subparagraph does not apply to—

"(I) assistance having a value of less than $3,000,000 in the case of nonreimbursable assistance or less than $14,000,000 in the case of reimbursable assistance; or

"(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

"(B) QUARTERLY REPORTS.—

"(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

"(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

"(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

"(f) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term 'designated congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.".

(2) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(c) RELATIONSHIP TO OTHER NOTICE REQUIREMENTS.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (b), is further amended by adding at the end the following:

"(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.".

TITLE XXXII—UNITED NATIONS ACTIVITIES

SEC. 3201. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.

(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation's regional blocs.

(b) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) ANNUAL REPORTS.—On January 15 of each year, the Secretary of State shall submit a report to the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations; and

(3) steps taken by the United States to secure abolition by the United Nations of groups under subsection (b).

(d) ANNUAL CONSULTATION.—At the time of the submission of each annual report under subsection (c), the Secretary of State shall consult with the appropriate congressional committees on specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.

SEC. 3202. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

"SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

"(a) UNITED STATES COSTS.—The United States shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States in support of all United Nations peacekeeping operations.

"(b) UNITED NATIONS MEMBER COSTS.—The United States shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such operations.".

SEC. 3203. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

"(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the President shall seek and obtain in a timely fashion a commitment from the United Nations to provide reimbursement to the United States from the United Nations whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

"(A) to the United Nations when the assistance is designed to facilitate or assist in carrying out an assessed peacekeeping operation;

"(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

"(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

"(2) EXCEPTIONS.—(A) The requirement in paragraph (1) shall not apply to—

"(i) goods and services provided to the United States Armed Forces;

"(ii) assistance having a value of less than $3,000,000 per fiscal year per operation;

"(iii) assistance furnished before the date of enactment of this section;

"(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members for similar assistance to United Nations peacekeeping operations; or

"(v) any assistance commitment made before the date of enactment of this Act if such commitment will not extend beyond January 1, 1998.

"(B) The requirements of subsection (d)(1)(B) shall not apply to the deployment of United States military forces when the President determines that such deployment is important to the security interests of the United States. The cost of such deployment shall be included in the data provided under section 554 of the Foreign Assistance Act of 1961.

"(3) FORM AND AMOUNT.—

"(A) AMOUNT.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

"(B) FORM.—Reimbursement under this subsection may include credits against the United States assessed contributions for United States peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

"(b) TREATMENT OF REIMBURSEMENTS.—

"(1) CREDIT.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

"(2) AVAILABILITY.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

"(c) COVERED ASSISTANCE.—Subsection (a) applies to assistance provided under the following provisions of law:

"(1) Sections 6 and 7 of this Act.

"(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

"(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

"(d) WAIVER.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The President may authorize the furnishing of assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

"(B) CONGRESSIONAL NOTIFICATION.—When exercising the authorities of subparagraph (A), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

"(2) CONGRESSIONAL REVIEW.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notification.

"(3) SENATE PROCEDURES.—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(e) RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under subsection (a).

"(f) DEFINITION.—In this section, the term 'assistance' includes personnel, services, supplies, equipment, facilities, and other assistance if such assistance is provided by the Department of Defense or any other United States Government agency.".

SEC. 3204. UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING OPERATIONS.

It shall be the policy of the United States—

(1) to ensure that major peacekeeping operations (in general, those comprised of more than 10,000 troops) authorized by the United Nations Security Council under Chapter VII of the United Nations Charter (or missions such as the United Nations Protection Force (UNPROFOR)) are undertaken by a competent regional organization or a multinational force, and not established as a peacekeeping operation under United Nations operational control which would be paid for by assessment of United Nations members;

(2) to consider, on a case-by-case basis, whether it is in the national interest of the United States to agree that smaller peacekeeping operations authorized by the United Nations Security Council under Chapter VII of the United Nations Charter and paid for by assessment of United Nations members (such as the United Nations Transitional Authority in Slavonia (UNTAES)) should be established as peacekeeping operations under United Nations operational control which would be paid for by assessment of United Nations members; and

(3) to oppose the establishment of United Nations peace operations approved by the General Assembly and funded out of the regular budget of the United Nations.

SEC. 3205. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

For the fiscal years 1998 and 1999, the President may withhold funds for the United States assessed contribution to the United Nations or to any of its specialized agencies in the same percentage and subject to the same requirements as are applicable to the withholding of funds under section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 3206. CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by inserting "and the United Nations Industrial Development Organization" after "International Labor Organization".

SEC. 3207. SENSE OF THE CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) all United Nations staff, including diplomats, should comply with binding United States Federal, State, and local court orders regarding child and spousal support obligations;

(2) the internal regulations of the United Nations allows—

(A) the United Nations to release staff salary information to the courts in spousal and child support cases;

(B) the Secretary General to authorize deduction of dependency related allowances from staff salary;

(C) the United Nations to cooperate with appropriate authorities to facilitate proper legal or judicial resolution of the family's claim.

(b) CONGRESSIONAL STATEMENT.—The Secretary of State should urge the United Nations to comply fully with regulations regarding compliance with child and spousal support obligations by United Nations personnel, in a timely manner and to the fullest extent possible.

TITLE XXXIII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

Subchapter A—Authorization of Appropriations; Obligation and Expenditure of Funds

SEC. 3301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States described in subsection (b) as of September 30, 1997—

(1) $100,000,000 for fiscal year 1998;

(2) $475,000,000 for fiscal year 1999; and

(3) $244,000,000 for fiscal year 2000.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations;

(2) to pay the United States share of United Nations peacekeeping operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) STATUTORY CONSTRUCTION.—For purposes of payments made pursuant to subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall not apply to United Nations peacekeeping operation assessments received by the United States prior to October 1, 1995.

SEC. 3302. OBLIGATION AND EXPENDITURE OF FUNDS.

(a) IN GENERAL.—Funds made available pursuant to section 3301 may be obligated and expended only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) OBLIGATION AND EXPENDITURE UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.—Subject to subsection (e), funds made available pursuant to section 3301 may be obligated and expended only in the following allotments and upon the following certifications:

(1) Amounts authorized to be appropriated for fiscal year 1998, upon the certification described in section 3311.

(2) Amounts authorized to be appropriated for fiscal year 1999, upon the certification described in section 3321.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 3331.

(c) ADVANCE CONGRESSIONAL NOTIFICATION.—Funds made available pursuant to section 3301 may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds.

(d) TRANSMITTAL OF CERTIFICATIONS.—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

(e) WAIVER AUTHORITY.—

(1) FISCAL YEAR 1999 FUNDS.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 3301 may be obligated or expended pursuant to subsection (b)(2) even if the Secretary of State cannot certify that one of the following three conditions has been satisfied:

(A) The condition described in section 3321(b)(1).

(B) The condition described in section 3321(b)(4).

(C) The condition described in section 3321(b)(5).

(2) FISCAL YEAR 2000 FUNDS.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 3301 may be obligated or expended pursuant to subsection (b)(3) even if the Secretary of State cannot certify that one of the following seven conditions has been satisfied: A condition described in paragraph (3), (4), (5), (6), (7), (8),or (9) of section 3331(b).

(3) REQUIREMENTS.—

(A) IN GENERAL.—The authority to waive a condition under paragraph (1) or (2) of this subsection may be exercised only if—

(i) the Secretary of State determines that substantial progress towards satisfying the condition has been made and that the expenditure of funds pursuant to that paragraph is important to the interests of the United States; and

(ii) the Secretary of State has notified, and consulted with, the appropriate congressional committees prior to exercising the authority.

(B) EFFECT ON SUBSEQUENT CERTIFICATION.—If the Secretary of State exercises the authority of paragraph (1) with respect to a condition, such condition shall be deemed to have been satisfied for purposes of making any certification under section 3331.

(4) ADDITIONAL REQUIREMENT.—If the authority to waive a condition under paragraph 1(A) is exercised, the Secretary shall notify the United Nations that the Congress does not consider the United States obligated to pay, and does not intend to pay, arrearages that have not been included in the contested arrearages account or other mechanism described in section 3321(b)(1).

SEC. 3303. FORGIVENESS OF AMOUNTS OWED BY THE UNITED NATIONS TO THE UNITED STATES.

(a) FORGIVENESS OF INDEBTEDNESS.—Subject to subsection (b), the President is authorized to forgive or reduce any amount owed by the United Nations to the United States as a reimbursement, including any reimbursement payable under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945.

(b) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total of amounts forgiven or reduced under subsection (a) may not exceed $107,000,000.

(2) RELATION TO UNITED STATES ARREARAGES.—Amounts shall be forgiven or reduced under this section only to the same extent as the United Nations forgives or reduces amounts owed by the United States to the United Nations as of September 30, 1997.

(c) REQUIREMENTS.—The authority in subsection (a) shall be available only to the extent and in the amounts provided in advance in appropriations Acts.

(d) CONGRESSIONAL NOTIFICATION.—Before exercising any authority in subsection (a), the President shall notify the appropriate congressional committees in accordance with the same procedures as are applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date a certification is transmitted to the appropriate congressional committees under section 3331; or

(2) October 1, 1999.

Subchapter B—United States Sovereignty

SEC. 3311. CERTIFICATION REQUIREMENTS.

(a) CONTENTS OF CERTIFICATION.—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations does not exceed 22 percent for any single United Nations member.

(2) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(3) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(4) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(ii) the World Intellectual Property Organization; or

(iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(5) NO STANDING ARMY.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(6) NO INTEREST FEES.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(7) UNITED STATES REAL PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(8) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not, on or after October 1, 1984, paid its share of any interest costs made known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

Subchapter C—Reform of Assessments and United Nations Peacekeeping Operations

SEC. 3321. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of

State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 3311 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) CONTESTED ARREARAGES.—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of enactment of this Act with respect to which payments are not authorized by this division, and the failure to pay amounts specified in the account do not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the "contested arrearages account".

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR UNITED NATIONS PEACEKEEPING OPERATIONS.—The assessed share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.

(3) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET FOR THE DESIGNATED SPECIALIZED AGENCIES.—The share of the total of all assessed contributions for the regular budget of any designated specialized agency does not exceed 22 percent for any single United Nations member.

(4) REVIEW OF REGULAR BUDGET-FUNDED PEACE OPERATIONS.—The mandates of the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are reviewed annually by the Security Council, and are subject to the notification requirements pursuant to section 4(e) of the United Nations Participation Act of 1945, as amended by section 3102(b) of this division.

(5) PROCUREMENT.—

(A) PROHIBITION ON PUNITIVE ACTIONS.—The United Nations has implemented a system that prohibits punitive actions, such as suspension of contract eligibility, against contractors on the basis that they have challenged contract awards or complained about delayed payments.

(B) PUBLIC ANNOUNCEMENT OF CERTAIN CONTRACT AWARDS.—The United Nations has implemented a system for public announcement of the award of any contract over $100,000.

(C) NOTIFICATION OF UNSUCCESSFUL BIDDERS.—The United Nations has implemented a system to notify unsuccessful bidders for contracts and to provide an explanation upon request of the reason for rejection of their bids.

(D) PERIODIC REPORTING TO UNITED NATIONS MEMBERS.—The United Nations reports to all United Nations members on a regular basis the value and a brief description of local procurement contracts awarded in excess of $70,000.

Subchapter D—Budget and Personnel Reform

SEC. 3331. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the following conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 3311 and 3321 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any designated specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification except to the extent necessary to protect the privacy rights of individuals.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the systemwide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly and of programs of the designated specialized agencies in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each designated specialized agency has developed a standardized methodology for the evaluation of programs of designated specialized agencies, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—Consistent with the July 16, 1997, recommendations of the Secretary General of the United Nations regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General and the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term "United Nations program approved by the General Assembly" means a program approved by the General Assembly of the United Nations, which is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph, the term "5 largest member contributors" means the 5 United Nations member states that, during a United Nations budgetary biennium, have more total assessed contributions than any other United Nations member state to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peacekeeping operations.

(6) ACCESS BY THE GENERAL ACCOUNTING OFFICE.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data to assist the Office in performing nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations Charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations personnel.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison of that system with the United States civil service, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) REDUCTION IN BUDGET AUTHORITIES.—The designated specialized agencies have achieved a negative growth budget in their biennium budgets for 2000–01 from the 1998–99 biennium budget levels of the respective agencies.

(9) NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the agency's supplemental budget requests to the Secretariat in advance of expenditures under those requests.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 3341. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) and section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 3342. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER INTERNATIONAL ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this subdivision shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other international organization with respect to which Congress has rescinded funding.

The text of the House amendment to the Senate amendments is as follows:

House amendment to Senate Amendments.

On page 1, line 1, strike all through line 7.

On page 1, line 8, strike "The" and insert "That that".

On page 2, line 2, strike all from "to" through "Act," on line 3.

On page 11, line 20, after the word "fund" insert "described in section 172 of this Act".

On page 12, line 8, strike "all".

On page 34, line 16, after "or" insert "previously".

On page 44, line 15, before the period, insert: ", except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects".

On page 46, after line 9, insert:

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1997, the District of Columbia Financial Responsibility and Management Assistance Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

On page 47, line 21 strike "$5,000,000" and insert "$12,000,000".

On page 59, line 11 strike "(f)" and insert "(e)".

On page 77, line 17, strike all through page 78, line 2.

On page 78, after line 2, insert the following:

SEC. 166. Notwithstanding any other provision of Federal or District of Columbia law applicable to a reemployed annuitant's entitlement to retirement or pension benefits, the Director of the Office of Personnel Management may waive the provisions of section 8344 of title 5 of the United States Code for any reemployed annuitants appointed heretofore or hereafter as a Trustee under section 11202 or 11232 of the National Capital Revitalization and Self-Government Improvement Act of 1997, or, at the request of such a Trustee, for any employee of such Trustee.

SEC. 167. Section 2203(i)(2)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–504; D.C. Code 31–2853.13(i)(2)(A)) is amended to read as follows:

"(A) IN GENERAL.—

"(i) ANNUAL LIMIT.—Subject to subparagraph (B) and clause (ii), during calendar year 1997, and during each subsequent calendar year, each eligible chartering authority shall not approve more than 10 petitions to establish a public charter school under this subtitle.

"(ii) TIMETABLE.—Any petition approved under clause (i) shall be approved during an application approval period that terminates on April 1 of each year. Such an approval period may commence before or after January 1, of the calendar year in which it terminates, except that any petition approved at any time during such an approval period shall count, for purposes of clause (i), against the total number of petitions approved during the calendar year in which the approval period terminates.".

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

SEC. 169. Section 221(g) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–133; D.C. Code 31–2853.24(g)) is amended by inserting "to the Board" after "appropriated".

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

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

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

(3) by adding at the end the following:

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

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

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

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

"(b) PAYMENTS TO NEW SCHOOLS.—

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

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

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

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

"(C) any interest earned on such amounts.

"(3) EXPENDITURES FROM FUND.—

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

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

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

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

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

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

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

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

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

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

(b) REDUCTION OF ANNUAL PAYMENT.—

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

"(A) INITIAL PAYMENT.—

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

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

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

(A) in clause (i)—

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

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

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

(C) by adding at the end the following:

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

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

On page 99, line 22, strike all through line 23.

On page 100, line 1, strike all through page 708, line 7.

MOTION OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LIVINGSTON moves that the House concur in the amendment of the Senate to the text of H.R. 2607 with an amendment and disagrees to the Senate amendment to the title.

The SPEAKER pro tempore. Pursuant to House Resolution 324, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Virginia [Mr. MORAN] each will control 30 minutes.

The gentleman from Louisiana [Mr. LIVINGSTON] is recognized.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion to concur in the Senate amendment and that I may be permitted to include tabular and extraneous material.

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

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present to the House the final agreement which we were able to reach with the Senate on the District of Columbia Appropriations Act for fiscal year 1998. The House passed the bill on October 9. And the Senate passed the bill, with an amendment, last Sunday evening.

Our final agreement includes $855 million in Federal funds and is within the committee's overall 302 allocation in both budget authority and outlays. The final agreement is $7 million above the Senate bill and will provide a total of $12 million for the U.S. Park Police.

Mr. Speaker, it is the intent of Congress that this $12 million will be considered as new funding and is not to be offset against any existing appropriations now or in the future.

□ 2345

In District funds, the final agreement provides $5 billion, which includes $270 million for capital programs.

Mr. Speaker, this final agreement includes the charter school language that was in the House bill, with the exception of the provision allowing charter schools to lease D.C. public school facilities for a dollar a year.

I would like to mention that the Senate deleted the $7 million that was in the House bill for school vouchers and passed a separate freestanding bill, Senate bill 1502. I would expect all supporters of the District of Columbia school voucher program to support this bill when it comes to the floor.

I might only add, Mr. Speaker, that as has been indicated in the debate on the rule, title II of the bill provides for the Nicaraguan Adjustment and Central American Relief Act, which is clarification of eligibility for relief from removal and deportation for certain aliens.

I would like to thank all members of the subcommittee, especially the gentleman from North Carolina [Mr. TAYLOR], and all the staff that have done such a great job on this bill. I think what we have here is a good agreement with the other body. I urge all Members to support it.

Mr. Speaker, I include the following tabular material for the RECORD:

DISTRICT OF COLUMBIA BILL, 1998 - H.R. 2607

	FY 1997 Enacted	FY 1998 Estimate	House Passed	Senate Passed	House Amendment	House Amendment vs Enacted
FEDERAL FUNDS						
Federal payment to the District of Columbia	660,000,000					-660,000,000
Federal contribution to retirement funds	52,070,000					-52,070,000
Presidential Inauguration	5,702,000					-5,702,000
Federal contribution for repair of drinking water system	1,000,000					-1,000,000
Federal payment for management reform				8,000,000	8,000,000	+8,000,000
Federal contribution to the operations of the Nation's Capital		160,000,000	180,000,000	190,000,000	190,000,000	+190,000,000
Federal payment for the Inspector General for investigative efforts			2,000,000			
Metropolitan Police Department			5,400,000			
Fire and Emergency Medical Services Department			2,600,000			
Federal contribution to Public Schools			1,000,000			
Federal payment to the District of Columbia Corrections Trustee Operations		169,000,000	169,000,000	169,000,000	169,000,000	+169,000,000
Payment to the District of Columbia Corrections Trustee for Correctional Facilities, Construction and Repair		302,000,000	302,000,000	302,000,000	302,000,000	+302,000,000
Payment to the District of Columbia Courts				151,000,000	151,000,000	+151,000,000
Federal payment to the District of Columbia Criminal Justice System		146,000,000	146,000,000			
United States Park Police			12,500,000			
U.S. Park Police (general provision Sec. 141)				5,000,000	12,000,000	+12,000,000
Medicare coordinated care demonstration project (general provision Sec. 160)				3,000,000	3,000,000	+3,000,000
Federal contribution to the District of Columbia Scholarship Fund			7,000,000			
Total, Federal funds to the District of Columbia	718,772,000	777,000,000	827,500,000	828,000,000	835,000,000	+116,228,000
DISTRICT OF COLUMBIA FUNDS						
Operating Expenses						
Governmental direction and support	(115,663,000)	(105,177,000)	(119,177,000)	(105,177,000)	(105,177,000)	(-10,486,000)
Economic development and regulation	(135,704,000)	(120,072,000)	(120,072,000)	(120,072,000)	(120,072,000)	(-15,632,000)
Public safety and justice	(1,041,281,000)	(494,970,000)	(502,970,000)	(529,739,000)	(529,739,000)	(-511,542,000)
Pay increase for uniformed fire fighters (general provision Sec. 165)					(2,600,000)	(+2,600,000)
Public education system	(758,815,000)	(672,444,000)	(673,444,000)	(672,444,000)	(672,444,000)	(-86,371,000)
Human support services	(1,685,707,000)	(1,718,939,000)	(1,718,939,000)	(1,718,939,000)	(1,718,939,000)	(+33,232,000)
Homeless services (general provision Sec. 142)					(7,000,000)	(+7,000,000)
Public works	(247,967,000)	(241,934,000)	(241,934,000)	(241,934,000)	(241,934,000)	(-6,033,000)
Financing and other		(484,773,000)		(454,773,000)	(454,773,000)	(+454,773,000)
Washington Convention Center Fund transfer payment /1	(5,400,000)		(5,400,000)			(-5,400,000)
Repayment of loans and interest /1	(333,710,000)		(366,976,000)			(-333,710,000)
Repayment of general fund recovery debt /1	(38,314,000)		(39,020,000)			(-38,314,000)
Payment of interest on short-term borrowing /1	(34,461,000)		(12,000,000)			(-34,461,000)
Inaugural expenses	(5,702,000)					(-5,702,000)
Certification of participation /1	(7,926,000)		(7,923,000)			(-7,926,000)
Human resources development /1	(12,257,000)		(6,000,000)			(-12,257,000)
Cost Reduction Initiatives	(-47,411,000)					(+47,411,000)
Management Reform and Productivity Fund			(5,000,000)			
D.C. Financial Responsibility and Management Assistance Authority	(3,400,000)	(3,220,000)	(3,220,000)	(3,220,000)	(3,220,000)	(-180,000)
Deficit reduction and revitalization			(200,000,000)	(201,090,000)	(201,090,000)	(+201,090,000)
New Pay-As-You-Go Capital Outlay			(30,000,000)			
Total, operating expenses, general fund	(4,378,896,000)	(3,841,529,000)	(4,052,075,000)	(4,047,388,000)	(4,056,988,000)	(-321,908,000)
Enterprise Funds						
Enterprise and other uses		(15,725,000)		(15,725,000)	(15,725,000)	(+15,725,000)
Water and Sewer Authority and the Washington Aqueduct	(221,362,000)	(297,310,000)	(297,310,000)	(297,310,000)	(297,310,000)	(+75,948,000)
Lottery and Charitable Games Enterprise Fund	(247,900,000)	(213,500,000)	(213,500,000)	(213,500,000)	(213,500,000)	(-34,400,000)
Cable Television Enterprise Fund	(2,511,000)		(2,467,000)			(-2,511,000)
Public Service Commission			(4,547,000)			
Office of People's Counsel			(2,428,000)			
Department of Insurance and Securities Regulation			(5,683,000)			
Office of Banking and Financial Institutions			(600,000)			
Starplex Fund	(8,717,000)	(5,936,000)	(5,936,000)	(5,936,000)	(5,936,000)	(-2,781,000)
D.C. General Hospital	(52,684,000)	(59,599,000)	(59,599,000)	(52,684,000)	(52,684,000)	
D.C. Retirement Board	(16,667,000)	(16,762,000)	(4,898,000)	(16,762,000)	(16,762,000)	(+95,000)
Correctional Industries Fund	(3,052,000)	(3,332,000)	(3,332,000)	(3,332,000)	(3,332,000)	(+280,000)
Washington Convention Center Enterprise Fund	(42,596,000)	(41,000,000)	(41,000,000)	(41,000,000)	(41,000,000)	(-1,596,000)
Total, Enterprise Funds	(595,489,000)	(653,164,000)	(641,300,000)	(646,249,000)	(646,249,000)	(+50,760,000)
Total, operating expenses	(4,974,385,000)	(4,494,693,000)	(4,693,375,000)	(4,693,637,000)	(4,703,237,000)	(-271,148,000)

1/ Appropriated in "Financing and other" account.

DISTRICT OF COLUMBIA BILL, 1998 - H.R. 2607 — continued

	FY 1997 Enacted	FY 1998 Estimate	House Passed	Senate Passed	House Amendment	House Amendment vs Enacted
Capital Outlay						
General fund	(46,923,000)	(269,330,000)	(269,330,000)	(269,330,000)	(269,330,000)	(+222,407,000)
Total, District of Columbia funds	(5,021,308,000)	(4,764,023,000)	(4,962,705,000)	(4,962,967,000)	(4,972,567,000)	(-48,741,000)
Total:						
Federal Funds to the District of Columbia	718,772,000	777,000,000	827,500,000	828,000,000	835,000,000	+116,228,000
District of Columbia funds	(5,021,308,000)	(4,764,023,000)	(4,962,705,000)	(4,962,967,000)	(4,972,567,000)	(-48,741,000)
Scorekeeping adjustments:						
Medicare child health (Sec. 162)				20,000,000	20,000,000	+20,000,000
Total (including adjustments)	718,772,000	777,000,000	827,500,000	848,000,000	855,000,000	+136,228,000

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the motion offered by the gentleman from Louisiana to concur in the Senate amendment to the D.C. appropriations bill, with an amendment.

Mr. Speaker, the Senate amendment is essentially what we call the Moran substitute. I offered it on the House floor when the D.C. bill came up. It does include a new title which provides relief for Nicaraguan and Central American refugees.

I totally agree with the comments of the gentlewoman from Florida [Mrs. MEEK], the gentleman from Florida [Mr. HASTINGS], the gentlewoman from Texas [Ms. JACKSON-LEE], and the gentleman from California [Mr. BECERRA]. It is wrong to exclude Haitian refugees in this; there is no question about it. I think that that is very unfortunate.

However, this bill needs to be passed. The reality is, D.C. needs its money. We have a fiscal crisis. This is a substantial improvement over the House-passed bill. We will hear from the gentlewoman from the District of Columbia [Ms. NORTON] shortly. It has bipartisan support. It supports the Federal revitalization package that this Congress passed last year.

With the adoption of the Senate amendment, we have a bill that the President will sign. The Senate amendment has several key features that are similar to the original House bill. It provides the same $828 million. The funds are distributed a little differently but they are just the way that the Control Board and the D.C. government feel they ought to be distributed.

Also, like the House bill, the Senate amendment will ensure that the District continues to make progress to reduce its accumulated deficit. $200 million goes into deficit reduction. This is the bill that was the consensus budget submitted by the D.C. Council, the mayor and the D.C. Financial Control Board.

Most important, these provisions that the Senate amendment has do not contain all the micromanagement and the legislative riders that were in the House bill that caused such problems and delayed consideration of the bill. It drops the authorizing language and appropriations for D.C. vouchers. That would have ensured a presidential veto. It drops the part that forced the closure of the D.C. law school. It keeps Pennsylvania Avenue closed regardless of what Members think about that. That would have been a very controversial issue with the administration.

We are 43 days into the fiscal year. We have got to act immediately. The District of Columbia government is 43 days behind in implementing the management and financial reforms that we all know are sorely needed. The Control Board is eager to begin its work. It cannot do so until we get this bill completed.

Mr. Speaker, the Senate amendment and the amendments that are offered by the chairman of this committee deserve our strong support. The chairman's amendment makes several technical adjustments. It adds the charter school provisions that were contained in the original House-passed bill, with the exception, there is an exception, it takes out the provision that would have sold D.C. school facilities for a dollar a year. That has to be taken out. It is a matter of about $20 million the D.C. school system needs. The D.C. school system agreed with Parents United in the court suit that that money would be spent on rehabilitating existing school facilities.

That was the right amendment, the Senate amendment, with the exception of title II certainly, but the Senate amendment deserves our strong support. The D.C. government deserves better than it has gotten so far in this fiscal year. I do urge all my colleagues to support the motion offered by the gentleman from Louisiana and urge its adoption.

Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time. I thank him for his hard work on this bill. I thank the gentleman from Louisiana [Mr. LIVINGSTON] and the many people on both sides of the aisle who contributed to finally getting this bill out.

Before I say a word on this bill, I want to thank the gentlewoman from Florida and the gentleman from Florida who have helped us to expedite this bill by not calling for a recorded vote. I want to promise them that I will stand with them so that we get a vote the first week we come back on Haiti.

This may not be a moment of truth but it has arrived. We must get the D.C. appropriation out tonight. We have a bipartisan compromise only because of the hard work of people on both sides of the aisle. No one has gained much. Everybody has given up a lot in order to get this bill through. We have tried to accommodate all reasonable requests.

It is not the bill I would have wanted. No one has had to compromise more than I have, Mr. Speaker. The bill has no new Federal money, only rescue package money. It is $4.2 billion raised exclusively in the District of Columbia, 6 weeks late in getting permission to spend our own money.

Congress, and the gentleman from North Carolina [Mr. TAYLOR] in particular, who had the oversight here, openly spoke to the District that it should use the surplus to pay down the deficit, and that is exactly what the District in response to him has done. The city and the Control Board have come forward with a budget that is balanced a year ahead of time, almost all of the surplus used in exactly the way the Congress has suggested.

There is a lot I would change. I want to thank everyone for helping do what I think we will do in a few minutes and get this bill out so that the District of Columbia can begin to spend its own money.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM], a distinguished member of the subcommittee.

Mr. CUNNINGHAM. Mr. Speaker, I would like to say that the gentlewoman from the District of Columbia has legitimate concerns. I do not know of anyone in the House that represents a more difficult area, and I believe her when she said she would spend her own money to help.

I would beseech all of my colleagues to take a look especially at the education school system within D.C. You have got the majority of children that start the ninth grade do not finish. You have illiteracy that comes out of your juniors and seniors out of your schools. They need help. They are reaching out.

Regardless of where our politics are on the different education issues, all of us need to reach out. But the average is $10,000 plus per student. The answer is not just more dollars per student but some of the reforms that we are going through to spend the money wisely.

I would like to thank not only the gentlewoman from the District of Columbia for her energy but the gentleman from Virginia [Mr. MORAN], the ranking minority member, for working together on this bill. I urge its passage.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume. In the interest of time we are not going to have other speakers, but I would like to extend our appreciation to some people like the gentleman from Florida [Mr. HASTINGS] and the gentlewoman from Florida [Mrs. MEEK]. They could have delayed their colleagues' time considerably tonight. They chose not to, but it is an issue that they have very legitimate and deep feelings about.

I think the gentleman from North Carolina [Mr. TAYLOR] should be recognized for his conscientious effort on this bill. We disagreed on a number of provisions, but he applied himself and spent a lot of time on this; certainly the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee, and the gentleman from Wisconsin [Mr. OBEY], the ranking member of the full committee.

The staff deserves some recognition: Migo Miconi, he is a walking encyclopedia of the District of Columbia; Mike Fischetti, Mary Porter, Tom Forhan, Cheryl Smith. I would like to give some recognition to Mike Brown, my

personal staff person, who spent hours, days, months really working on this bill and he did a tremendous job on it. I should have recognized him last time when it came to the floor. Cedric Hendricks has done such great work on the authorizing committee for the gentlewoman from the District of Columbia [Ms. NORTON].

I would also like to give some recognition to the gentleman from Virginia [Mr. DAVIS], the chairman of the authorizing committee. He has done a real fine job in getting this bill through, and in a way that the President can sign it and give the money to the District that it sorely needs.

Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume. I would point out that I wholeheartedly agree with the accolades bestowed by the gentleman from Virginia. I would like to thank him for all of his cooperation. It has helped bring about this moment. It is overdue. We want to get the District of Columbia adequately funded and pass this bill as quickly as possible.

I want to add a special commendation, though, for the gentleman from North Carolina [Mr. TAYLOR], who has had lots of farsighted ideas on how to put the District of Columbia on firm fiscal footing. I think he is a man ahead of his time. Many of his ideas will be adopted but some of them just could not pass through muster at this time.

I thank the gentleman from Virginia [Mr. MORAN], I thank the gentleman from North Carolina [Mr. TAYLOR], I thank the gentlewoman from the District of Columbia [Ms. NORTON], the gentleman from Virginia [Mr. DAVIS], and all of the staff who have lent a hand in putting this bill together. I congratulate all the Members of the House and look forward to their wholehearted, enthusiastic passage of this bill.

Ms. BROWN of Florida. Mr. Speaker, I would like to call attention to what I believe is a human rights travesty happening right here in this country. First, we should not be considering immigration issues on the appropriations bill for the District of Columbia. Second, we should not be discriminating against our neighbors in this Hemisphere, the Haitians, with regard to our immigration policy.

Mr. Speaker, this bill has provisions to grant certain groups of immigrants permanent residence and others have extensions of time for consideration of their applications. The Haitians have been given absolutely no special provisions, even though many of them have been persecuted, just miles from our shores.

This is a disgrace because it is blatant discrimination, that the conferees failed to correct, and tonight, the Rules Committee failed to correct.

Mr. Speaker, I have seen the Rules Committee make far more drastic changes to bills than what would have been required here to restore fairness to our immigration policy.

Mr. Speaker, correcting the U.S. immigration policy with regard to Haitians should be the first priority in the second session of the 105th Congress. I intend to make sure it happens. We need to treat our neighbors with dignity and respect, and most of all, treat them fairly.

Mr. LIVINGSTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to House Resolution 324, the previous question is ordered.

The question is on the motion offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The motion was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2159, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

The vote was taken by electronic device, and there were— yeas 333, nays 76, answered "present" 1, not voting 22, as follows:

[Roll No. 631]

YEAS—333

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Ballenger
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Biliraki
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Carson
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hayworth
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hoyer
Hunter
Hutchinson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pelosi
Peterson (MN)
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn

NAYS—76

Aderholt
Archer
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bilbray
Blunt
Brady
Buyer
Cannon
Chabot
Chenoweth
Coburn
Condit
Crane
Doolittle
Duncan
Emerson
Ensign
Goode
Goodling
Graham
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Hulshof
Hyde
Inglis
Johnson, Sam
Jones
Kucinich
LaHood
Lucas
Mica
Minge
Moran (KS)
Myrick
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pombo
Rahall
Roemer
Rogers
Rohrabacher
Royce
Ryun
Sanford
Scarborough
Sensenbrenner
Sessions
Smith (NJ)
Solomon
Stearns
Stump
Sununu
Tanner
Taylor (MS)
Thornberry

Tiahrt
Traficant
Watkins
Watts (OK)
Weldon (FL)
Young (FL)

ANSWERED "PRESENT"—1

Barcia

NOT VOTING—22

Baker
Combest
Cubin
Flake
Furse
Gephardt
Gonzalez
Houghton
Markey
Meehan
Neal
Norwood
Pryce (OH)
Radanovich
Riley
Schiff
Shuster
Smith (OR)
Stark
White
Yates
Young (AK)

□ 0017

Messrs. HALL of Texas, BLUNT, HYDE, CHABOT, and SCARBOROUGH changed their vote from "yea" to "nay."

Mrs. ROUKEMA, Mr. WHITFIELD, and Mr. SHADEGG changed their vote from "nay" to "yea."

Mr. CHRISTENSEN changed his vote from "present" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MENENDEZ. Mr. Speaker, during rollcall vote number 629 on House Resolution 319, I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Speaker, due to an official leave of absence for family obligations, I was absent during legislative business on November 12, 1997. If I had been present, I would have voted in the following manner:

House Resolution 319 (rollcall No. 629): Rule providing for the consideration of the bill (S. 738) to reform the statutes relating to Amtrak, and for other purposes. Aye.

House Resolution 314 (rollcall No. 630): Waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes. Aye

H.R. 2159 (rollcall No. 631): Foreign Operations Appropriations Act Conference Report. Aye.

AMENDING THE RULES OF THE HOUSE TO REPEAL EXCEPTION TO REQUIREMENT THAT PUBLIC COMMITTEE PROCEEDINGS BE OPEN TO ALL MEDIA

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question de novo on agreeing to House Resolution 301.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 165, not voting 27, as follows:

[Roll No. 632]

AYES—241

Aderholt
Archer
Armey
Baesler
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (FL)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manzullo
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Ramstad
Redmond
Regula
Riggs
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOES—165

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Goodling
Green
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lantos
Largent
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McDermott
McGovern
McHale
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Scott
Serrano
Sisisky
Skaggs
Slaughter
Smith, Adam
Spratt
Stabenow
Stokes
Strickland
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—27

Baker
Combest
Cubin
Davis (VA)
Flake
Gephardt
Gonzalez
Gordon
Hall (OH)
Houghton
Markey
Meehan
Neal
Norwood
Pryce (OH)
Radanovich
Riley
Sawyer
Schiff
Shuster
Smith (OR)
Stark
Taylor (NC)
Waxman
White
Yates
Young (AK)

□ 0034

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO COMMITTEE ON BANKING AND FINANCIAL SERVICES AND COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. SOLOMON. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 325) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 325

Resolved, That the following Member be, and he is hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON BANKING AND FINANCIAL SERVICES: Mr. Fossella of New York.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE: Mr. Fossella of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR AN EXCEPTION FROM THE LIMITATION OF CLAUSE 6(d) OF RULE X FOR THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–404) on the resolution (H. Res. 326) providing for an exception from the limitation of clause 6(d) of rule X for the Committee on Government Reform and Oversight, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COMBEST (at the request of Mr. ARMEY), for today and the balance of the week, on account of personal reasons.

Mr. RILEY (at the request of Mr. ARMEY), for today and the balance of the week, on account of medical reasons.

Ms. PRYCE of Ohio (at the request of Mr. ARMEY), for today on account of family obligations.

Mr. YATES (at the request of Mr. GEPHARDT), for after 6:15 p.m. today, on account of personal reasons.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 156. An act to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes; to the Committee on Resources.

S. 493. An act to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia; to the Committee on the Judiciary.

S. 537. An act to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program; to the Committee on Commerce.

S. 1354. An act to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers; to the Committee on Commerce.

S. 1505. An act to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes; to the Committee on Education and the Workforce.

S. 1511. An act to amend section 3165 of the National Defense Authorization Act for Fiscal Year 1998 to clarify the authority in the section; to the Committee on National Security.

S. Con. Res. 67. Concurrent resolution expressing the sense of Congress that the museum entitled "The Women's Museum: An Institute for the Future," in Dallas, Texas, be designated as a millennium project for the United States; to the Committee on Education and the Workforce.

S. 1115. An act to amend title 49, United States Code, to improve the one-call notification process, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition, to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1506. An act to amend the Professional Boxing Safety Act (P.L. 104–272); to the Committee on Education and the Workforce, and in addition, to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 222. An act to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies; to the Committee on Transportation and Infrastructure, and in addition, to the Committees on Resources and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. THOMAS, from the Committee on House Oversight reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 282. An act to designate the United States Post Office building located at 153 East 110th Street, New York, New York, as the "Oscar Garcia Rivera Post Office Building."

H.R. 681. An act to designate the United States Post Office building located at 313 East Broadway in Glendale, California, as the "Carlos J. Moorhead Post Office Building."

H.R. 1057. An act to designate the building in Indianapolis, Indiana, which houses the operations of the Indianapolis Main Post Office as the "Andrew Jacobs, Jr. Post Office Building."

H.R. 1058. An act to designate the facility of the United States Postal Service under construction at 150 West Maggaret Drive in Terre Haute, Indiana, as the "John T. Myers Post Office Building."

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code.

H.R. 1090. An act to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error.

H.R. 1377. An act to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

H.R. 1479. An act to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Building and United States Courthouse."

H.R. 1484. An act to redesignate the United States courthouse located at 100 Franklin Street in Dublin, Georgia, as the "J. Roy Rowland United States Courthouse."

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

H.R. 2129. An act to designate the United States Post Office located at 150 North 3rd Street in Steubenville, Ohio, as the "Douglas Appelgate Post Office."

H.R. 2366. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

H.R. 2564. An act to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McCloskey Postal Facility."

H.R. 2631. An act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.

H.R. 813. An act to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict.

H.J. Res. 91. Joint resolution the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact.

H.J. Res. 92. Joint resolution the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.

H.J. Res. 105. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 669. An act to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

S. 714. An act to amend title 38, United States Code, to revise, extend, and improve programs for veterans.

S. 923. An act to amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes.

S. 1231. An act to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

S. 1258. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that act.

S. 1347. An act to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that

committee did on the following date, present to the President, for his approval, bills of the House of the following titles:

November 10, 1997:

H.R. 2631. An act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.

H.R. 681. An act to designate the United States Post Office building located at 313 East Broadway in Glendale, California, as the "Carlos J. Moorhead Post Office Building."

H.R. 282. An act to designate the United States Post Office building located at 153 East 100th Street, New York, New York, as the "Oscar Garcia Rivera Post Office Building."

H.R. 1057. An act to designate the building in Indianapolis, Indiana, which houses the operations of the Indianapolis Main Post Office as the "Andrew Jacobs, Jr., Post Office Building."

H.R. 1058. An act to designate the facility of the United States Postal Service under construction at 150 West Margaret Drive in Terre Haute, Indiana, as the "John T. Myers Post Office Building."

H.R. 1479. An act to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Building and United States Courthouse."

H.R. 2129. An act to designate the United States Post Office located at 150 North 3rd Street in Steubenville, Ohio, as the "Douglas Applegate Post Office."

H.R. 1484. An act to redesignate the United States courthouse located at 100 Franklin Street in Dublin, Georgia, as the "J. Roy Rowland United States Courthouse."

H.R. 2564. An act to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McCloskey Postal Facility."

H.R. 1377. An act to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

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

H.J. Res. 105 Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

H.R. 2731. An act for the relief of Roy Desmond Moser.

H.R. 2732. An act for the relief of John Andre Chalot.

H.R. 1787. An act to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 27 minutes a.m.), the House adjourned until today, Thursday, November 13, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5878. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Reduced Assessment Rates for Specified Marketing Orders [Docket No. FV97–922–2 FIR] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5879. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Kiwifruit Grown in California; Increased Assessment Rate [Docket No. FV97–920–3 FIR] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5880. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tobacco Inspection: Subpart C—Standards [Docket No. TB–97–05] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5881. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the report on credit availability for small businesses, pursuant to Public Law 104–208, section 2227(a)(1) (110 Stat. 3009—417); to the Committee on Banking and Financial Services.

5882. A letter from the Director, Office of Thrift Supervision, transmitting the annual report on compliance by thrifts with the requirements of the national flood insurance program, pursuant to Public Law 103–325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

5883. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5884. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Termination of Single-Employer Plans (RIN: 1212–AA82) received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5885. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual report of material violations or suspected material violations of regulations relating to Treasury auctions and other offerings of securities upon the issuance of such securities by the Treasury, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Commerce.

5886. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Singapore for defense articles and services (Transmittal No. 98–14), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5887. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective October 26, 1997, the danger pay rate for Kinshasa was designated at the 15% level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

5888. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1 and December 31, 1996, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

5889. A letter from the Deputy Director, US&FCS/Russia-NIS Program Office, International Trade Administration, transmitting the Administration's final rule—Cooperative Agreement Program for an American Business Center in Russia [Docket No. 971023252–7252–01] received November 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5890. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–176, "Felony Murder Amendment Act of 1997" received November 12, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5891. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–177, "Financial Institutions Deposit and Investment Amendment Act of 1997" received November 12, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5892. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–180, "Defined Contribution Transition Vesting Temporary Amendment Act of 1997" received November 12, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5893. A letter from the Chair, Architectural and Transportation Barriers Compliance Board, transmitting the 1997 annual consolidated report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

5894. A letter from the Director, Division of Commissioned Personnel, Department of Health and Human Services, transmitting the annual report disclosing the financial condition of the retirement system for the year ending September 30, 1996, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

5895. A letter from the Executive Director, National Council on Disability, transmitting the report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

5896. A letter from the Secretary of the Interior, transmitting the Department's report on the administration of the Marine Mammal Protection Act of 1972, pursuant to 16 U.S.C. 1373(f); to the Committee on Resources.

5897. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Standard Allowances for Ice and Slime [Docket No. 970520118–7251–02; I.D. 050197A] (RIN: 0648–AJ00) received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5898. A letter from the Administrator, Federal Aviation Administration, transmitting the report on the effectiveness of the Civil Aviation Security Program for the period January 1, 1996 through December 31, 1996, pursuant to 49 U.S.C. app. 1356(a); to the Committee on Transportation and Infrastructure.

5899. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH Model MBB-BK 117 A-1, A-3, A-4, B-1, B-2 and C-1 Helicopters (Federal Aviation Administration) [Docket No. 96-SW-23-AD; Amdt. 39-10195; AD 97-23-07] (RIN: 2120-AA64) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5900. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. PA-20, PA-22, PA-23, PA-24, PA-25, PA-30, PA-31P, PA-36, PA-39, and PA-44 Series Airplanes (Federal Aviation Administration) [Docket No. 84-CE-27-AD; Amdt. 39-10189; AD 85-02-05 R1] (RIN: 2120-AA64) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5901. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model HS 748 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-225-AD; Amdt. 39-10191; AD 97-23-03] (RIN: 2120-AA64) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5902. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727-100 Series Airplanes Modified in Accordance with Supplemental Type Certificate (STC) SA8472SW (Federal Aviation Administration) [Docket No. 97-NM-268-AD; Amdt. 39-10190; AD 97-23-02] (RIN: 2120-AA64) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5903. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Schweizer Aircraft Corporation Model 269A, A-1, B, and C, and TH-55A Helicopters (Federal Aviation Administration) [Docket No. 96-SW-05-AD; Amdt. 39-10194; AD 97-23-06] (RIN: 2120-AA64) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5904. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Minot, ND [Airspace Docket No. 97-AGL-59] received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5905. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Computer Reservations System (CRS) Regulations [Docket OST-96-1145 [49812]] (RIN: 2105-AC35) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5906. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Fitness Procedure; Safety Ratings (Federal Highway Administration) [FHWA Docket Nos. MC-94-22 and MC-96-18; FHWA-97-2252] (RIN: 2125-AC71) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5907. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Removal of Restrictions on Importation of Defense Articles from Specified New Independent States of the Former Soviet Union and Yugoslavia and to Amend the Term "Military Firearms and Ammunition" (RIN: 1512-AB62) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5908. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 97-53] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5909. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Pension Plan Limitations, Etc. [Notice 97-58] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5910. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Revenue Procedure 97-51] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5911. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Temporary regulations to be issued under the Internal Revenue Code [Notice 97-64] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5912. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of their intent to disburse funds for purposes of Nonproliferation and Disarmament Fund activities, pursuant to 22 U.S.C. 5858; jointly to the Committees on International Relations and Appropriations.

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:

Mr. CALLAHAN: Committee of Conference. Conference report on H.R. 2159. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-401). Ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 323. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-402). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 324. Resolution providing for consideration of the Senate amendments to the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-403). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 326. Resolution providing for an exception from the limitation of clause 6(d) of rule X for the Committee on Government Reform and Oversight (Rept. 105-404). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WEXLER:

H.R. 3024. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, homeownership plans; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia (for himself, Ms. NORTON, and Mrs. MORELLA):

H.R. 3025. A bill to amend the Federal charter for Group Hospitalization and Medical Services, Inc., and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. FOX of Pennsylvania (for himself, Mr. HOLDEN, Mr. MCNULTY, Mr. FROST, Mr. SAXTON, Mr. ENSIGN, Mr. CHRISTENSEN, Mr. FRELINGHUYSEN, Mr. FORBES, Mr. RAMSTAD, Mr. WELDON of Florida, Mrs. KELLY, Mr. GIBBONS, Mrs. TAUSCHER, Mr. MALONEY of Connecticut, Mr. BERMAN, Mr. SCHUMER, Ms. WOOLSEY, and Mr. WELDON of Pennsylvania):

H.R. 3026. A bill to amend title 28, United States Code, relating to jurisdictional immunities of the Socialist People's Libyan Arab Jamahiriya, to grant jurisdiction to the courts of the United States for claims arising out of the destruction of Pan American World Airways Flight 103; to the Committee on the Judiciary.

By Ms. DELAURO:

H.R. 3027. A bill to amend the Internal Revenue Code of 1986 to increase the tax rate on tobacco products, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. PALLONE, Mrs. LOWEY, Mr. STARK, Mr. ACKERMAN, Ms. PELOSI, Ms. DEGETTE, Mr. MILLER of California, Mr. MCGOVERN, Mr. MEEHAN, Mr. OLVER, Mr. SERRANO, Mr. STOKES, Ms. NORTON, Mr. RUSH, Mr. DELAHUNT, Mr. MATSUI, Mr. YATES, Ms. WATERS, and Mr. WEYGAND):

H.R. 3028. A bill to amend the Public Health Service Act and the Federal Food, Drug and Cosmetic Act to prevent the use of tobacco products by minors, to reduce the level of tobacco addiction, to compensate Federal and State Governments for a portion of the health costs of tobacco-related illnesses, to enhance the national investment in biomedical and basic scientific research, and to expand programs to address the needs of children, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN of Washington (for herself, Mr. SMITH of Oregon, Ms. FURSE, Mr. NETHERCUTT, Ms. HOOLEY of Oregon, and Mr. PAUL):

H.R. 3029. A bill to amend the Internal Revenue Code of 1986 to permit certain tax free corporate liquidations into a 501(c)(3) organization and to revise the unrelated business income tax rules regarding receipt of debt-financed property in such a liquidation; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 3030. A bill to amend the Internal Revenue Code of 1986 to disallow a Federal income tax deduction for payments to the Federal Government or any State or local government in connection with any tobacco litigation or settlement and to use any increased Federal revenues to promote public health; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of Ohio (for himself, Mrs. EMERSON, Ms. JACKSON-LEE, and Mr. WOLF):

H.R. 3031. A bill to establish the Bill Emerson and Mickey Leland memorial fellowship programs, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:

H.R. 3032. A bill to amend the Office of Federal Procurement Policy Act and related acts to enhance the payments protections for subcontractors and suppliers on Federal construction projects, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEEK of Florida (for herself, Ms. BROWN of Florida, and Mr. HASTINGS of Florida):

H.R. 3033. A bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. DEUTSCH, Mr. MCCOLLUM, Mrs. MEEK of Florida, Mr. FOLEY, Mr. DAVIS of Florida, Mr. HASTINGS of Florida, Mrs. THURMAN, Mrs. FOWLER, Mr. CANADY of Florida, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. GILMAN, Mr. GOSS, Mr. MICA, Mr. WELDON of Florida, Ms. BROWN of Florida, Mr. WEXLER, and Mr. BILIRAKIS):

H.R. 3034. A bill to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspectional personnel in connection with the arrival of passengers in Florida, and for other purposes; to the Committee on Ways and Means.

By Mr. SKEEN:

H.R. 3035. A bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan (for himself, Mr. BARCIA of Michigan, Mr. LATHAM, Mr. JENKINS, Mr. POMBO, and Mr. CALVERT):

H.R. 3036. A bill to amend the Internal Revenue Code of 1986 to exempt small unincorporated farm businesses from the alternative minimum tax; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. GOSS, Mr. YATES, Mr. HUNTER, Mr. SKELTON, Mr. SISISKY, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. SPRATT, Mr. HORN, Mr. KING of New York, Mr. WEXLER, Mr. ROTHMAN, and Mr. SHERMAN):

H. Res. 322. A resolution expressing the sense of the House that the United States should act to resolve the crisis with Iraq in a manner that assures full Iraqi compliance with United Nations Security Council resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of massdestruction, and that peaceful and diplomatic efforts should be pursued, but that if such efforts fail, multilateral military action or unilateral United States military action should be taken; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

228. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 37 memorializing the President and Congress of the United States to support House Bill No. 953 by Representative Patsy Mink, the Ovarian Cancer Research and Information Amendments of 1997; to the Committee on Commerce.

229. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 36 memorializing the President and Congress of the United States to work together to promote and support practical methods of encouraging automobile manufacturers to address problems relating to child passenger restraint systems, as prescribed; to the Committee on Commerce.

230. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 39 memorializing the Congress of the United States to enact legislation to reauthorize the Intermodal Surface Transportation Efficiency Act in a manner that accomplished prescribed objectives; 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. 27: Mr. SAM JOHNSON, Mr. WATKINS, Mr. NUSSLE, and Mr. CAMP.

H.R. 45: Mr. ENGEL.

H.R. 59: Mr. SANFORD, Mr. COOK, and Mr. BUNNING of Kentucky.

H.R. 68: Mr. CLEMENT and Ms. KILPATRICK.

H.R. 76: Mr. COOK.

H.R. 94: Mr. MCHUGH, Mr. HERGER, Mr. WOLF, Mr. MCHALE, Mr. TRAFICANT, Mr. HOUGHTON, Mr. BLILEY, Mr. DUNCAN, Mr. YOUNG of Alaska, Mr. PICKETT, Mr. FORBES, Mr. ROHRABACHER, Mr. BOEHNER, Mr. PETRI, Mrs. CLAYTON, Mr. SENSENBRENNER, Mr. GRAHAM, Mr. STEARNS, Mr. PAXON, Mr. BACHUS, Mr. STUMP, Mr. GOODE, and Mr. BUNNING of Kentucky.

H.R. 107: Mr. ORTIZ.

H.R. 170: Mr. SUNUNU.

H.R. 182: Mr. ENGEL and Mr. BARRETT of Wisconsin.

H.R. 231: Mr. LANTOS.

H.R. 233: Mr. PAUL.

H.R. 603: Mr. DOYLE, Mr. CAMPBELL, and Mr. SALMON.

H.R. 676: Mr. ADAM SMITH of Washington.

H.R. 687: Ms. DELAURO.

H.R. 746: Mr. KENNEDY of Massachusetts.

H.R. 859: Mr. GOODLING.

H.R. 864: Ms. FURSE and Mr. SANDLIN.

H.R. 900: Mr. LOBIONDO.

H.R. 906: Mr. SCARBOROUGH.

H.R. 979: Mr. BURR of North Carolina, Mr. CRAPO, and Mr. REYES.

H.R. 991: Mr. WEYGAND.

H.R. 992: Mr. CANNON and Mr. INGLIS of South Carolina.

H.R. 1062: Mr. PETRI.

H.R. 1114: Mr. KINGSTON and Mr. PASCRELL.

H.R. 1134: Mr. PICKERING.

H.R. 1138: Mr. WELLER.

H.R. 1140: Mr. PASCRELL.

H.R. 1170: Mr. SALMON.

H.R. 1174: Ms. STABENOW.

H.R. 1194: Mr. STRICKLAND.

H.R. 1195: Mr. STRICKLAND.

H.R. 1202: Mr. KENNEDY of Rhode Island, Mr. LAZIO of New York, and Mr. YATES.

H.R. 1232: Ms. ESHOO and Mr. POMEROY.

H.R. 1289: Mr. ABERCROMBIE.

H.R. 1301: Mr. OWENS.

H.R. 1328: Mr. OWENS.

H.R. 1425: Mr. OWENS and Mr. ANDREWS.

H.R. 1426: Ms. DUNN of Washington.

H.R. 1515: Mr. SANDLIN.

H.R. 1614: Mr. THOMPSON.

H.R. 1636: Mr. FORBES.

H.R. 1689: Ms. DELAURO and Mr. DAVIS of Florida.

H.R. 1749: Mr. WEYGAND.

H.R. 1766: Mr. FRANK of Massachusetts and Mr. GOODE.

H.R. 1810: Mr. PAPPAS and Mr. GRAHAM.

H.R. 1872: Mr. HASTERT Mr. STEARNS, Mr. METCALF, Mr. LAZIO of New York, and Mr. BILBRAY.

H.R. 1915: Ms. WOOLSEY.

H.R. 2004: Mr. JOHNSON of Wisconsin.

H.R. 2023: Mr. RUSH.

H.R. 2088: Mr. KENNEDY of Rhode Island.

H.R. 2211: Mr. HASTINGS of Florida, Mr. BROWN of Ohio, Mr. RUSH, Mr. DELAHUNT, Mr. BERMAN, Mr. UNDERWOOD, Mr. GREEN, and Mr. COYNE.

H.R. 2221: Mr. SENSENBRENNER.

H.R. 2253: Mr. OWENS, Mr. BLAGOJEVICH, and Mr. POSHARD.

H.R. 2327: Mr. CONDIT, Mr. WELLER, Mr. BOEHNER, and Mr. LUTHER.

H.R. 2348: Mr. DOOLEY of California.

H.R. 2351: Mr. CONYERS, Mr. MANTON, Mr. ANDREWS, and Ms. WOOLSEY.

H.R. 2369: Mr. BURTON of Indiana.

H.R. 2431: Mr. CALVERT.

H.R. 2454: Mrs. MCCARTHY of New York and Mr. PASCRELL.

H.R. 2457: Mrs. MCCARTHY of New York and Mr. PASCRELL.

H.R. 2474: Mr. WISE, Mr. SESSIONS, Mr. WELLER, and Mr. HULSHOF.

H.R. 2485: Ms. FURSE and Mr. STRICKLAND.

H.R. 2492: Ms. LOFGREN.

H.R. 2503: Mr. WEYGAND.

H.R. 2527: Ms. WOOLSEY.

H.R. 2540: Mr. ABERCROMBIE, Ms. ROYBAL-ALLARD, Ms. KILPATRICK, Mr. GUTIERREZ, Mr. LANTOS, Mr. TOWNS, Mr. HASTINGS of Florida, and Mr. BISHOP.

H.R. 2560: Mr. FRANKS of New Jersey, Mr. SNYDER, Mrs. ROUKEMA, Mr. HOEKSTRA, Ms. DEGETTE, and Mr. GEPHARDT.

H.R. 2563: Mr. MASCARA, Mr. PAPPAS, and Mr. LOBIONDO.

H.R. 2567: Mr. FILNER.

H.R. 2593: Mr. BASS, Mr. ISTOOK, Mr. ADERHOLT, Mr. SOUDER, Mr. EHLERS, Mr.

FOSSELLA, Mr. HOSTETTLER, Mr. BARTLETT of Maryland, Mr. LEACH, Mr. LATHAM, Mr. PAPPAS, Mr. TALENT, Mr. CHAMBLISS, Mr. WOLF, Mr. BATEMAN, Mr. FOLEY, Mr. EHRLICH, Mr. BOEHNER, Mr. NEUMANN, Mr. KASICH, Mr. SHADEGG, Mr. FORBES, Mrs. MORELLA, Mr. GILLMOR, Mr. REDMOND, Mr. OXLEY, Mr. BONO, Mr. HYDE, Ms. JACKSON-LEE, Ms. ROS-LEHTINEN, Mr. BEREUTER, Mr. BILIRAKIS, Mr. DELAY, Mr. DAVIS of Virginia, Mr. MORAN of Virginia, Mr. CUMMINGS, Mr. ENGEL, Mrs. ROUKEMA, Mr. ORTIZ, and Mr. CLEMENT.

H.R. 2595: Mr. CALVERT.

H.R. 2602: Mr. DAVIS of Illinois.

H.R. 2604: Mr. FRANKS of New Jersey, Mr. GOODLATTE, Mr. TIAHRT, Mr. PAPPAS, and Mr. RIGGS.

H.R. 2611: Mr. METCALF, Mr. ARMEY, Mr. CHAMBLISS, Mr. COX of California, Mr. DREIER, Mr. GIBBONS, Mr. HILL, Mr. SAM JOHNSON, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. MANZULLO, Mr. MCINNIS, Mr. MCINTOSH, Mr. NEUMANN, Mr. NORWOOD, Mr. PICKERING, Mr. ROHRABACHER, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of Texas, Mr. WAMP, Mr. WATKINS, and Mr. WOLF.

H.R. 2613: Mr. THOMPSON, Mr. BOSWELL, and Mr. BISHOP.

H.R. 2630: Mr. PAPPAS.

H.R. 2664: Mrs. MINK of Hawaii and Mr. STARK.

H.R. 2681: Mr. MCINTYRE, Mr. KUCINICH, Mr. WEYGAND, and Mr. THOMPSON.

H.R. 2695: Mr. THOMPSON and Mr. FARR of California.

H.R. 2699: Mr. BENTSEN.

H.R. 2701: Mr. MATSUI, Mr. COYNE, Mr. MCDERMOTT, Mr. ENGEL, and Ms. SLAUGHTER.

H.R. 2710: Mr. DICKEY.

H.R. 2733: Mr. TURNER.

H.R. 2734: Mr. EHRLICH.

H.R. 2741: Mr. BONO, Mr. RADANOVICH, and Mr. RIGGS.

H.R. 2757: Ms. SLAUGHTER.

H.R. 2761: Ms. WOOLSEY.

H.R. 2774: Mr. SHAYS, Ms. CARSON, Mr. DAVIS of Illinois, Mr. DELLUMS, Mr. EVANS, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. HOOLEY of Oregon, Ms. KILPATRICK, Mr. LIPINSKI, Ms. LOFGREN, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. MEEHAN, Mr. TIERNEY, Ms. PELOSI, Mr. WEYGAND, Ms. WOOLSEY, and Mr. YATES.

H.R. 2783: Ms. CARSON and Ms. RIVERS.

H.R. 2796: Mr. FRANK of Massachusetts, Mr. STOKES, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CRAMER, Ms. NORTON, Mr. THOMPSON, Mr. WATT of North Carolina, Mr. TAYLOR of Mississippi, and Mr. HILLEARY.

H.R. 2802: Mrs. THURMAN.

H.R. 2803: Mr. KING of New York.

H.R. 2804: Mr. THOMPSON.

H.R. 2805: Mr. THOMPSON.

H.R. 2826: Ms. MCKINNEY, Mr. CUMMINGS, Mr. MCNULTY, and Mr. LAFALCE.

H.R. 2827: Mr. COOK.

H.R. 2829: Mr. BISHOP, Mr. LUTHER, Mr. McInnis, Ms. NORTON, Mr. SMITH of Oregon, and Mr. THOMPSON.

H.R. 2847: Mr. BRADY, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. THORNBERRY, Mr. DOOLITTLE, Mr. POMBO, Mr. CUNNINGHAM, Mr. BONILLA, Mr. LUCAS of Oklahoma, Mr. PICKERING, Mr. SNOWBARGER, Mr. MICA, Mr. SISISKY, Mr. BLILEY, and Mr. KING of New York.

H.R. 2896: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2912: Mr. WISE and Mr. TAYLOR of North Carolina.

H.R. 2914: Mr. LEACH, Mr. CLYBURN, Mr. STRICKLAND, Mr. ROMERO-BARCELO, and Mr. DAVIS of Illinois.

H.R. 2921: Mr. HINCHEY, Mr. JOHN, Mr. MILLER of Florida, Mr. BURR of North Carolina, Mr. DEAL of Georgia, Mr. SESSIONS, Mr. LAFALCE, Mr. RAHALL, Mr. WALSH, Mr. SKELTON, Mr. CALLAHAN, Mr. BARCIA of Michigan, Mrs. CUBIN, Mr. BURTON of Indiana, Mr. STENHOLM, Mr. SMITH of Oregon, Mr. MCINNIS, Mr. HAMILTON, Mrs. THURMAN, Mr. SPRATT, and Mr. BISHOP.

H.R. 2929: Mr. PETRI, Mr. SHAYS, Mr. SANFORD, and Mr. SMITH of Michigan.

H.R. 2930: Mr. RANGEL, Mr. PACKARD, Mr. PASTOR, Mr. LARGENT, Mr. OXLEY, Mr. BARRETT of Wisconsin, Mr. SISISKY, Mr. CAMP, Mr. HASTINGS of Florida, Mr. BURTON of Indiana, Mr. ACKERMAN, Mr. ETHERIDGE, Mr. RILEY, Mr. DUNCAN, Mr. DEAL of Georgia, Mr. CLEMENT, Mr. MARKEY, Mr. CHAMBLISS, and Mr. MCGOVERN.

H.R. 2938: Mr. FOLEY.

H.R. 2948: Mr. NADLER.

H.R. 2955: Mr. POMEROY.

H.R. 2958: Mr. KANJORSKI and Mr. GREENWOOD.

H.R. 2992: Mr. CHAMBLISS, Mr. BUNNING of Kentucky, and Mr. ENSIGN.

H.R. 2993: Mr. WHITFIELD.

H.R. 2997: Mr. ENGEL.

H.R. 3014: Mr. THOMAS, Mr. CUNNINGHAM, and Ms. LOFGREN.

H.J. Res. 89: Mr. DEFAZIO.

H. Con. Res. 80: Mr. WAXMAN.

H. Con. Res. 106: Mr. SAXTON.

H. Con. Res. 107: Mr. SKEEN and Mr. BARRETT of Wisconsin.

H. Con. Res. 126: Mr. VISCLOSKY, Mr. PAPPAS, Mr. TAYLOR of Mississippi, and Mr. MCGOVERN.

H. Con. Res. 162: Mr. MCKEON.

H. Con. Res. 168: Mr. BARTLETT of Maryland, Mr. STUPAK, Mr. MCGOVERN, Mr. MANTON, Ms. SLAUGHTER, and Mr. ENGEL.

H. Con. Res. 181: Mr. TIERNEY, Mr. LANTOS, Ms. KAPTUR, Mr. VISCLOSKY, Mr. DOYLE, Mr. HORN, Mr. PASCRELL, Mr. POSHARD, Ms. FURSE, Mr. KENNEDY of Massachusetts, and Mr. MORAN of Virginia.

H. Res. 235: Mr. PALLONE.

H. Res. 251: Mr. FILNER, Ms. KILPATRICK, Mr. FROST, Mr. MCGOVERN, Mr. POSHARD, and Mr. DELLUMS.

H. Res. 267: Mr. EHLERS, Mr. LEACH, Mr. RAMSTAD, Mr. STEARNS, Mr. THORNBERRY, Mr. INGLIS of South Carolina, Mr. JONES, Mr. WOLF, Mr. CANADY of Florida, and Mr. SHIMKUS.

H. Res. 279: Mr. TORRES, Ms. WOOLSEY, Ms. STABENOW, Mr. HINCHEY, and Mr. MCDERMOTT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1173: Mr. DAN SCHAEFER of Colorado.

H.R. 2777: Mr. GEJDENSON.

EXTENSIONS OF REMARKS

FIRST QUARTERLY REPORT BY THE UNITED STATES HOUSE TASK FORCE ON THE HONG KONG TRANSITION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BEREUTER. Mr. Speaker, in response to your directions, I have prepared the following report, the first in a series of quarterly reports by the U.S. House Task Force on the Hong Kong Transition on the status of Hong Kong following its return to the People's Republic of China. It was completed, effective October 1, 1997.

Also at your request, I have formed the House Task Force on Hong Kong's Transition to observe and report on Hong Kong's status following its reversion to China. In addition to myself as chairman, the task force will be bipartisanly balanced and will include Representative HOWARD BERMAN, D–CA; Representative SHERROD BROWN, D–OH; Representative ENI FALEOMAVAEGA, D–AS; Representative ALCEE HASTINGS, D–FL; Representative JAY KIM, R–CA; Representative DONALD MANZULLO, R–IL; and Representative MATT SALMON, R–AZ. As you requested, the task force expects to travel to Hong Kong, Beijing, and other relevant destinations at least every 6 months for the foreseeable future to examine how reversion has affected Hong Kong. The first such visit is expected to take place after the adjournment of the 1997 session but before the end of the calendar year.

CONCERNS PRIOR TO REVERSION

Prior to Hong Kong's July 1, 1997, reversion to Chinese sovereignty, many observers expressed skepticism over Beijing's assurances that it would allow Hong Kong full autonomy in matters other than foreign policy and defense. Skeptics questioned whether Beijing could resist the temptation to meddle in matters related to freedom of expression, for example. They were also concerned about indications that the Beijing-sponsored provisional legislature would roll back forward-looking measures taken by the last colonial Legislative Council [LEGCO] and that the new provisional council would institute election rules less representative than those put into place by Governor Patten in 1995. Businessmen wondered whether China could refrain from meddling in Hong Kong's affairs, either intentionally or otherwise. Maintaining the rule of law and resisting the lure of corruption, so common in China, were key commercial concerns. On the security side, skeptics questioned Hong Kong's continued ability to maintain effective export controls. The future of U.S. ship visits was also in doubt.

IN GENERAL: SO FAR, SO GOOD

While Hong Kong has been under Chinese sovereignty for only 3 months, public confidence is high. Hong Kongers are close to unanimous in expressing relief and pleasure that life has not changed after reversion. The press and media continue to be open, free, and full of criticism and analysis of both the Hong Kong and Beijing governments. Journalists, while wary and suspicious about China's long-term intentions, continue to cover the news much as they did before July 1, 1997. For example, the recent Chinese Communist Party Congress drew extensive commentary. Journalists displayed no hesitancy in voicing views not welcome in Beijing. Nonetheless, the self-censorship that began to creep into coverage in some papers prior to reversion has continued.

Demonstrations—by pro-democracy and pro-Beijing groups and a myriad of local organizations—continue without interference or restriction. More than 150 demonstrations have taken place since the July 1 turnover. Indeed, in an upturn in the number of demonstrations, a gauntlet of demonstrators regularly greets Hong Kong Chief Executive C.H. Tung when he arrives for weekly executive council sessions. However, in a typical Hong Kong twist, Tung invariably trades handshakes and smiles with his critics, who line up behind the waist-high barricades flanking the entry to Central Government Offices as he walks past.

NGO's, including those harshly critical of China, continue to operate freely. Han Dongfan, exiled PRC dissident and leader of workers' groups during the 1989 Tiananmen demonstrations, reports no problems continuing his work in Hong Kong thus far. Commenting in a local newspaper, Han said it was too early to tell what Beijing would eventually do, but "as far as I can see with all the demonstrations by Democrats and others—there is hope for democracy here." Han continues to broadcast regularly from Hong Kong via Radio Free Asia on one of its most popular programs, "The Labor Corner." Amnesty International, Human Rights Watch and Human Rights in China representatives in Hong Kong are encouraged by the continued demonstrations and absence of any Hong Kong Government moves to restrict their operations. Meanwhile, democrats say that the threat to Hong Kong would come from a very slow erosion of the rule of law, not a sudden crackdown on civil liberties or freedom of speech.

Concern arose in mid-September, however, when both the Chinese and the Hong Kong governments objected to the credentialing of two human rights groups to the recent IMF/World Bank meeting in Hong Kong. Since human rights is in the lending guidelines of these financial institutions, participation by the human rights groups was appropriate. The objections of the Hong Kong government are troubling. Ten Members of Congress, led by Congressman BERMAN, wrote to Secretary of the Treasury, Robert Rubin, to express their concern.

APPROVAL RATINGS HIGH

Reflecting locals' belief that life goes on as usual, Tung's approval ratings have continued to climb since mid-June, when only 57 percent of Hong Kongers reported they were satisfied with his performance. By early August, a reliable local poll showed 78 percent of Hong Kongers were satisfied with Tung. That number rose to 82 percent in early September. Even among survey respondents who said they would vote for pro-democracy parties, 80 percent indicated they were satisfied with the chief executive, rivaling prominent pro-democracy advocate Martin Lee's 82 percent rating.

LOCAL AUTONOMY RESPECTED

The central Chinese Government appears to be taking seriously President Jiang Zemin's pledge at the handover that no mainland government officials "may or will be allowed to interfere" in the affairs which Hong Kong should administer on its own. Premier Li Peng reiterated that pledge and gave a strong vote of confidence to Tung in mid-September while hosting the IMF and World Bank meetings in Hong Kong. Far from being heavy-handed or insensitive, Bejing appears to have absented itself from active involvement in Hong Kong affairs since the handover. Again and again, China has gone out of its way to project a benign "smiling face" image on Hong Kong-related matters.

LOW-KEY APPROACH

After installing the urbane Ma Yuzhen as head of the Ministry of Foreign Affairs [MFA] office in Hong Kong, and the low-key diplomat Jiang Enzhu to replace the always pugnacious Zhou Nan at the Xinhua News Agency, the de facto MFA representative in Hong Kong prior to reversion, China has stood back and refused to become embroiled in local issues. Xinhua, once a source of constant criticism and commentary on Hong Kong Government policy, has fallen silent. MFA head Ma Yuzhen has deferred to the Hong Kong Government on virtually all matters. His contacts with Hong Kong Government officials have reportedly been strictly limited to protocol matters.

If China is attempting to influence certain issues, it is doing so in a manner that is not public. Political debates China has avoided commenting on or attempting to influence publicly include:

The plight of illegal immigrant children with the right of abode in Hong Kong. China has allowed the Hong Kong courts and government to interpret the Basic Law's provision of the right of abode in Hong Kong to certain Chinese nationals. Citing administrative efficiency and preventing overcrowding in schools, Hong Kong will not allow unrestricted entry of PRC nationals who received the right to live in Hong Kong when the Basic Law comes into force on July 1.

Displaying the "Republic of China" Taiwan flag in Hong Kong. Ma Yuzhen, when pressed

by a reporter, said the issue would be for Hong Kong to decide.

Hong Kong Government spending. Hong Kong pledged one billion United States dollars to the IMF Thailand bail-out and committed over seven billion United States dollars to a railway construction project. Chinese scrutiny of government spending under the British was intense, usually hostile, and raised fears that China would not stay out of Hong Kong's affairs after reversion. The IMF pledge and the rail project are early indications that China does not always act like a "control freak"—one of Governor Patten's favorite descriptions—and will honor the pledge to respect Hong Kong's autonomy. It should be noted, however, that China also pledged one billion United States dollars to Thailand and therefore would not likely be opposed to Hong Kong's assistance.

SINO-U.S. COOPERATION

In one of the most notable examples of China's smiling face approach to Hong Kong, China outdid itself both in making arrangements for the first visit of a U.S. naval ship to Hong Kong after the handover and in projecting an image of friendliness when the U.S.S. *Blue Ridge* and Seventh Fleet Commander Natter were in town. Subsequent visits by other ships, including nuclear powered ships, were equally successful. No effort was spared to demonstrate China welcomed ship visits as much as British forces did. Appearing conscious that their presence raises the anxiety level in Hong Kong, the PLA garrison has stayed out of sight—and even reduced its numbers—except for carefully scripted appearances by smiling senior officers.

BUSINESS AS USUAL

Reflecting business confidence that Hong Kong's economy will continue to prosper after reversion, Hong Kong's first and second quarter 1997 real gross domestic product growth reached 6.0 percent and 6.1 percent, respectively, thus out-pacing analysts' forecasts for the year of 5.5 percent. This compares to real gross domestic product growth figures for 1996 and 1995 of 4.7 and 4.8 percent, respectively. The Hong Kong Government attributes the first half improvement to a revival of domestic demand, reflected in buoyant stock and property markets, modest improvement in exports, especially services, and increased investment, some of it related to construction of the new Chek Lap Kok Airport. The inflation picture has also somewhat improved in 1997. Consumer price increases declined from 6.0 percent in 1996 to 5.9 percent in the first half of 1997. Unemployment dropped from 3.2 percent in 1995 to 2.8 percent in 1996 and recently stood at just 2.4 percent, May–July 1997, largely due to recovery in the retail sector.

Hong Kong's normally strong financial markets weathered recent currency and stock turmoil during this period but demonstrated they are not immune from shocks. While the Hong Kong dollar remains strong, in late July, the government felt compelled to vigorously defend a brief attack on its dollar by expending 1.0 billion United States dollars of its reserves and jacking up interest rates. Some believe the real target was not the dollar, but an attempt to influence the Hong Kong stock market. Hovering around 14,500 in mid-September, the stock market was volatile in recent months, scoring a record high in August of 16,802, while registering record turnover. The sell-off of Hong Kong shares is partly attributed to meeting cash margin calls in other markets such as those in Thailand and the Philippines. Another major contributor, however, was a feeling that the prices of China-related shares were badly inflated. Most applaud Hong Kong's one billion United States dollar commitment and its leadership in the Thai recovery program, citing the need to help neighbors while simultaneously strengthening its own defenses.

Assessments of the recent regional currency turmoil on Hong Kong suggest modest nearterm costs. One observable increased cost was the rise by 30 to 50 basis points above regular levels of 20 points in Hong Kong's interest rate risk premium. Long-term concerns include potential shifts in trade and investment as Hong Kong's goods/services become relatively dearer. This is also true of Hong Kong's important re-export trade to/from China. Analysts say currency problems might shave just one-tenth to one-half a point off gross domestic product growth next year, while a greater concern might be reduced commitment from China to reforming its financial system.

Despite regional currency turbulence and stock market volatility, monetary figures show no signs of capital flight or panic. Total deposits in all institutions in July 1997 stood at 343 billion U.S. dollars, up 15.9 percent from a year earlier, with Hong Kong dollar deposits exceeding foreign currency deposits 59.6 to 40.4 percent, respectively. The Hong Kong dollar, pegged to the United States dollar, has been steady at around 7.74 Hong Kong dollars per United States dollar and the Hong Kong Monetary Authority is confident it can effectively defend the peg.

The fact that things remain relatively stable despite regional turbulence does not guarantee that there will not be continued rough going ahead, particularly if the currency situation in Southeast Asia remains volatile. The continued overinflated value of Hong Kong real estate could also contribute to currency instability. A certain amount of volatility, of course, is a part of any mature economy. This should not affect Hong Kong's democratic process.

Signs so far indicate that America's substantial commercial interests in Hong Kong are benefiting from Hong Kong's continued post-reversion prosperity. U.S. companies have 16 billion U.S. dollars in direct investment and billions more in portfolio investments. The United States exports to Hong Kong totaled 14 billion United States dollars in 1996 and 7.5 billion United States dollars in the first half of 1997. U.S. Department of Commerce figures showed an estimated 4.1 billion U.S. dollar U.S. trade surplus with Hong Kong in 1996. The first quarter 1997 U.S. surplus reached 1.4 U.S. dollars. The American Chamber of Commerce's recent Annual Business Confidence Survey showed confidence in Hong Kong's future up and high—95 percent—though tempered by concerns about prospects for the rule of law, the free flow of information and corruption. Specifically, many businessmen, both foreign and local, fear that as the mainland's influence in Hong Kong increases, so will the corruption which has become endemic in many parts of China.

CONCERNS REMAIN

a. Election law

Despite indications that China is refraining from interfering in Hong Kong affairs, a number of serious concerns remain. One primary concern is proposed changes to electoral laws. On July 8, the government of the Hong Kong Special Administrative Region released proposals, prepared by the Beijing-appointed Preparatory Committee, for new electoral arrangements to govern the spring 1998 elections which, while adhering to the major electoral requirements set forward in Sino-British agreements on Hong Kong, are controversial because they dismantle key portions of the electoral reforms put into place by Governor Patten in 1995. The proposals maintain the original formula of 20 Legco members to be directly elected by popular vote, 30 to be elected by "functional constituencies"—initiated by the British in 1985—and 10 to be chosen by a special Election Committee. However, the proposals would shrink the "functional constituent" electorate from approximately 2.7 million voters under the 1995 British electoral reforms to as low as approximately 180,000, according to some estimates. For the 20 directly elected seats, the proposals would also scrap the United States-style "winner-take-all" style system introduced by the British in 1995 and substitute a European-style "proportional representation" system. Critics fear that the new arrangements will dilute the political power of the Hong Kong's Democratic Party and favor pro-China candidates and that seems likely to be the case. Aware of this criticism, C.H. Tung, during his September visit to the United States, outlined his plans over the next decade gradually to expand to 50 percent the number of directly elected Legco seats—now one-third—and to expand the size of the committee which will select a new chief executive.

b. Export controls

Another area of concern is Hong Kong's ability to maintain its high regulatory and monitoring standards in controlling the transfer of sensitive technologies. Currently, United States export control policy toward Hong Kong is less restrictive than that applied to China, based on Hong Kong's past demonstration that its export control policies were sufficiently effective. This policy is based on the Hong Kong Policy Act, which calls for continued separate treatment of Hong Kong in export controls as long as it is able to protect United States technology and equipment. Of course, monitoring Hong Kong's continued autonomy in this field is critical to assessing the risk to United States nonproliferation interests. The General Accounting Office points out that key indicators to watch will include changes in the composition and volume of United States exports of controlled items to Hong Kong, which could signal efforts by China to obtain sensitive technology such as the optical sensors that it has previously been denied. Hong Kong officials maintain that China's desire to see Hong Kong continue to succeed economically will restrain such activity. To date, United

States officials report no change in the performance of Hong Kong customs officials in both pre- and post-license checks.

c. Customs

Hong Kong cooperation in customs enforcement is another issue that bears watching. Increased instances of textile transhipment through Hong Kong led United States Customs to impose special administrative restrictions on textiles from Hong Kong in June 1996. This "wake up call" pressured the Hong Kong customs authorities to crack-down on transhipments and institute new procedures. By June 1997, Hong Kong had made enough progress to persuade United States Customs to lift their special administrative restrictions. Observers see no change to date between pre- and post-reversion performance on the part on Hong Kong customs authorities.

Mr. Speaker, in conclusion, Hong Kong has been under China's sovereignty for only 3 months. It is too early to judge the reversion. Nonetheless, indications to date are hopeful. Civil liberties continue largely unaffected. The economy continues to thrive. U.S. ship visits continue with little change and are indeed, welcomed with open arms. However, we continue to be concerned about the potential over time for the constriction of democracy, media self-censorship and the loss of hard-won rights. Chinese and Hong Kong authorities are acutely aware that the eyes of the world continue to scrutinize their post-reversion actions. That continued scrutiny is well warranted and will help ensure that all concerned continue to value and maintain Hong Kong's autonomy.

CONGRESSIONAL BIOMEDICAL RESEARCH CAUCUS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. GEKAS. Mr. Speaker, on September 10, the Congressional Biomedical Research Caucus conducted its 57th briefing on the subject of the "University of Genes: The Bits of DNA That Make Us What We Are." Dr. H. Robert Horvitz, Howard Hughes Medical Institute investigator and professor of biology at MIT, and Dr. Philip Heiter, professor of medical genetics of the University of British Columbia, Vancouver, spoke about the similarity of genes across species and how this discovery assists in biomedical research.

I was particularly pleased to have Dr. Horvitz participate because as a member of the Joint Steering Committee—a coalition of five basic biomedical research societies: the American Society for Cell Biology, the American Society for Biochemistry and Molecular Biology, the Biophysical Society, the Genetic Society of America, and the Association of Anatomists—he has played a significant role in supporting the caucus briefings.

Congressman JOSEPH KENNEDY of Massachusetts introduced Dr. Horvitz and was joined in attendance by myself, Congressman STEVE HORN, Congressman JOEL HEFLEY, and Congressman TOM PETRI, as well as a room full of senior health staff.

I believe our colleagues will find Dr. Horvitz's remarks useful.

ALL CREATURES GREAT AND SMALL: THE UNIVERSALITY OF GENES

I. INTRODUCTION

First, I would like to thank the organizers of this Caucus for inviting Phil Heiter and me to talk with you today. The title of this Caucus is "All Creatures Great and Small: The Universality of Genes." What we are going to discuss today is one of the most striking discoveries in the history of biomedical research: genes—the bits of DNA that make us what we are—genes are so remarkably similar among different organisms that we can study what they do in a microscopic worm or in a yeast that is used to make beer to learn how they work in us.

II. GENES

Let me start with a few introductory remarks about genes. Genes define hereditary traits. Each gene can exist in different forms, and such variations in the forms of genes result in variations in traits. Some such variations we consider simply to be what make us different from one another: for example, eye color and blood type are defined by genes. Similarly, our sexual characteristics, whether we are boys or girls, as David Page put it in an earlier Caucus, are determined by our genes. Variations in other genes result in variations in other traits: for example, dwarfism, deafness and color blindness can be caused by variations in genes. Variations in still other genes results in variations in our traits that we label "disease": Huntington's Disease is caused by one such gene; variations in other genes cause or predispose one to cancer, cardiovascular disorders, asthma, cystic fibrosis, premature aging, Alzheimer's Disease, bone loss, and many, many other diseases.

So, genes are important to us, and crucial to our health. How can we learn about our genes, what they do, and how they sometimes go wrong? One approach is to study our genes—human genes—directly. Biologists do this. (I do this.) But the study of human genes is in many ways very slow and inefficient. Furthermore, some types of genetic studies are simply impossible to do with people. For example, the classic method of genetics is to cross individuals with different gene variants (called mutation); this we cannot do with people.

III. UNIVERSALITY

Fortunately, biology has provided us with an approach that is feasible: genes are strikingly conserved among organisms, so we can study genes in experimental organisms and in this way learn what genes do in us. Let me show you an example from my own research. I study two organisms, human beings and the nematode roundworm known as *C. elegans*. My focus in humans is on Lou Gehrig's Disease, or ALS, the devastating disease that killed Lou Gehrig, Jacob Javlts, David Niven, and many others. Four years ago, with a team of collaborators, we found a gene responsible for ALS, a gene known as SOD1. SOD1 in humans is strikingly similar to SOD1 in my worm, as can be seen by the large number of boxed identities in the sequence of the protein products of these genes. Such similarity is seen in SOD1 in many organisms: the gene in spinach is essentially the same as well. To understand what SOD1 does, and how it goes wrong in ALS, one can study the gene in whatever organism is best suited for a particular line of inquiry, and SOD1 is now being studied in worms, in brewer's yeast, in fruit flies and in mice in attempts to understand how it causes ALS in humans. Let me generalize from this example and show you more broadly the degree to which genes are conserved among organisms.

The next slide is from an article written by Phil Hieter, our next speaker. This table shows a list of 84 human genetic diseases, from A to Z (really from A to W: achondroplasia or dwarfism is No. 2 on the list, while Wornor syndrome, which results in premature aging, is 4 from the bottom). The columns show matches (in color) with genes found in those organisms commonly used for laboratory studies of genetics: the mouse, the fruit fly, the nematode roundworm, brewer's yeast, and the intestinal bacterium *E. coli*. What you can see is that almost all of these human genes have a counterparts in the mouse, that many do in the fruit fly and worm, and that quite a few do in the yeast and bacterium. This table underestimates the degree of similarity with mice, fruit flies and roundworms, since many genes remain to be characterized in these organisms and some will no doubt provide additional matches. It is now clear that almost every human gene has a mouse counterpart, that the majority have fly and worm counterparts and that many have yeast counterparts. These kinds of observations, coupled with findings that genes that look similar act similarly, have led to the use of experimental organisms as models for human biology and human disease.

IV. ORGANISMS

If all organisms have similar genes, how do scientists decide which organisms to study? The short answer is that different organisms have different experimental advantages and that by studying a variety of organisms biologists obtain different types of data that together help us understand what genes do. To provide some concrete examples of how studies of these simple organisms are helping us to understand as well to prevent and cure human disease, Phil Hieter and I will now talk about work involving "our" organisms, the brewer's yeast and the roundworm. The next slide summarizes my perspective on using roundworms to study human disease, given what we know about human genes and worm genes: "Worms are little people in disguise." So let me start with the neurodegenerative disorders, such as Alzheimer's Disease, and on cancer.

V. ALZHEIMER'S DISEASE AND THE PRESENILINS

First, let's talk about Alzheimer's Disease. Some, but not all, cases of Alzheimer's Disease are clearly genetic, i.e. pass from parent to child. Most genetic or "familial" AD is caused by changes in a single gene, known as PS–1, for "Presenilin gene number one." In 1995 this gene was isolated biochemically. What does it do? How can we find out? Simply having access to a gene is not enough to tell us what it does unless it is sufficiently similar to a gene we already know about.

PS–1 is similar to four other known genes. One, called PS–2, is a second Alzheimer's gene isolated in 1995. The other three are all in the roundworm *C. elegans*. How similar are these worm genes to the human genes? In one experiment, researchers at Columbia University in NYC showed that the human PS–1 gene could work in the worm, substituting for one of the worm genes it looked like. This finding says that the human AD gene and the worm gene are functionally interchangeable. They are very similar. Thus, figuring out what the worm gene does should give us a very strong clue about what the human gene does. Studying this worm

gene is now a important effort in both academia and the biotech industry.

VI. CANCER AND THE RAS PATHWAY

Let me turn now to cancer. Cancer, like familial AD, is caused by variants in genes. The first human cancer gene was identified in 1981. This gene was called Ras. Biomedical researchers actively analyzed Ras and desperately wanted to know what it does and, in particular, wanted to know the pathway through which Ras acts. This concept of pathway is key for the development of pharmaceuticals: if you can block the action of a disease gene, either directly or indirectly, i.e. either by acting directly on that gene or by acting later in the gene pathway through which that gene acts, you should be able to prevent the disease.

What is the Ras genetic pathway? The answer emerged not from studies of human Ras but from very basic and apparently unrelated studies of animal development, in particular studies of the development of a sexual organ of the roundworm and of the eye of the fruit fly. It turned out that a gene that controlled worm sexual development as well as a gene that controlled fly eye development were both strikingly similar to human Ras. The levels of identity were approximately 80 percent. Furthermore, at the time it was discovered that a Ras-like gene was involved there had been very extensive studies of these processes; as a consequence within a few years detailed gene pathways were completed. Together these studies, which were done in my laboratory at MIT, at CalTech, and at Berkeley, revealed the pathway of action of Ras. Now cancer biologists and drug companies alike are using this knowledge of the Ras pathway both for further studies of how Ras causes cancer in people and for the development of drugs, drugs that can block the various steps in the Ras pathway.

VII. PROGRAMMED CELL DEATH, NEURODEGENERATIVE DISEASE AND CANCER

The third example I'll offer from worms relates both the cancer and to neurodegenerative diseases, which include AD. This example again is one in which studies of a basic biological phenomenon in the roundworm have had a major impact on our understanding of and approach to human disease. The biology in this case involves a phenomenon called "programmed cell death." For many years, biologists assumed that cells died because they were unhappy, i.e. because somehow they had been injured. However, a variety of studies revealed that many cells die during the normal course of development. For example, as our brains form, as many as 85 percent of the nerve cells made at certain times and certain parts of our brains die. Such death is a natural phenomenon and for this reason is often referred to as "Programmed Cell Death."

Given that cell death is a natural aspect of development, some years ago my colleagues and I reasoned that like other aspects of development, PCD should be controlled by genes. We sought such defined a 15-gene genetic pathway that controls programmed cell death In the worm. It now appears that a least some of these gene correspond to human genes that caused disease. For example, we talked earlier about neurodegenerative diseases, such as AD, Huntington's Disease, Lou Gehrlg's Disease and Parkinson's Disease. Many researchers believe that these diseases, which are characterized by the death of nerve cells, are diseases in which the normal process of PCD has gone amok. Specifically, the normal pathway that causes cells to die by PCD during development for some reason may be unleashed in nerve cells that are not meant to die.

How might we stop such deaths? By blocking the killer genes responsible! And what are the killer genes? We have ID'd two such genes in the worm, genes we call CED-3 and CED-4, for "cell-death abnormal." Given these worm genes, others have gone on to find similar genes in humans that also act to cause cell death. These genes have now become major drug targets: many companies in the pharmaceutical industry are attempting to block the action of these killer genes, with the goal of preventing such neurodengenerative diseases.

It turns out the genetic pathway for PCD we have defined is relevant not only to neurodegenerative disease but also to cancer.

Let me explain. What is cancer? In brief, cancer reflects an uncontrolled increase in cell number. How can you get such an increase? One way is to make too many cells. This is precisely what happens when the Ras gene, which we just discussed, is mutated. However, it turns out there is another way to make too many cells. The number of cells in our bodies is really an equilibrium number. Cells are always being added to our bodies, by the process of cell division, but cells are also always being taken away, by the process of programmed cell death. So, we can generate too many cells—as in cancer—not only by too much cell division but also by too little cell loss.

How can we bet too little cell loss? One of the genes we identified as controlling cell death in the worm is not a killer gene but rather a protector gene—it protects cells from dying by PCD. If a gene like this is too active, too many cells would survive, and cancer would result. In fact, there is a human cancer gene that is very similar to this worm protector gene, so similar that the human gene can work in worms to protect against worm cell death and to substitute for the worm gene. Given such protector genes, how might one prevent? Again, this is precisely the approach that is now being taken in the pharmaceutical industry, and there is great nope that by learning to control such protector genes it will be possible to control certain cancers.

VIII. CONCLUSIONS

Let me conclude very briefly by summarizing what I've said. First, a gene is a gene is a gene. Genes in humans are fundamentally no different from genes in other organisms and are so similar in many ceases that a human gene can be put into another organism and work just fine. Second, genes are much easier to analyze in experimental organisms than in people. In few years, the Human Genome Project, sponsored by the NIH, will tell us what all of our genes look like. But what do they do? To find out, we must study experimentally tractable organisms. Third, time and time again truly basic studies of genes in experimental organisms have proved directly relevant to human diseases and disease genes, once we knew what those human genes looked like. An investment in such basic studies is an effective investment indeed, as it means that knowledge will proceed at an enormous pace once a human disease gene is identified. Finally, knowledge of what the counterparts of human disease genes do in an experimental organism can be directly used both in the understanding of what that gene does in people and also in the application of that knowledge to the development of a treatment of cure. I thank you for your time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 8, 1997.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, U.S. House of Representatives, Washington, DC.

DEAR TOM: I understand that today or tomorrow you intend to move to suspend the rules and concur in the Senate amendment to H.R. 2472 with an amendment.

The version of H.R. 2472 you plan to bring up would extend through September 1, 1998 certain provisions of the Energy Policy and conservation Act, 42 U.S.C. §6201 *et seq.* Under Rule X, the Committee on the Judiciary has jurisdiction over provisions of the Act: the antitrust defense provided in Section 252, 42 U.S.C. §6272, the participation of the antitrust enforcement agencies in activities under that section, and any amendment, extension, or expansion of these provisions or any other antitrust immunity provided in the Act.

Because of the urgency of passing this important national security legislation, I am willing to waive this Committee's right to a sequential referral of H.R. 2472. I will allow this legislation to go forward so long as it remains a simple extension through September 1, 1998 without any substantive change to the existing antitrust defense or the participation of the antitrust agencies. However, my doing so does not constitute any waiver of the Committee's jurisdiction over these provisions and does not prejudice its rights in any future legislation relating to these provisions or any other antitrust immunity provided in the Act. I will, of course, insist that Members of this Committee be named as conferees on these provisions or any other antitrust immunity provided in the Act should the bill go to conference.

If the foregoing meets with your understanding of the matter, I would appreciate your placing this letter and your response in the record during the debate on H.R. 2472. Thank you for your cooperation in this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

INSTITUTE FOR COMMUNITY LIVING

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. VELÁZQUEZ. Mr. Speaker, I rise today to pay tribute to the marvelous work of the Institute for Community Living, on the occasion of its 11th anniversary. For over a decade, the Institute for Community Living has helped people with mental and developmental disabilities to function successfully in different living, learning, working, and social environments. Through its operation of housing, rehabilitation, and support services, it has helped improve the quality of life for countless mentally and developmentally disabled adults at various stages of the rehabilitation process.

ICL is a participating agency of the United Way of Greater New York and a member agency of the Association for Community Living and the Coalition of Voluntary Mental Health providers. ICL has also been recognized nationally for its success—its recent accolades include the Hospital and Community

Psychiatry Significant Achievement Award and the National Center for Disability Services Exemplary Program Award.

The Institute for Community Living has succeeded in providing an array of secure, community-based residential programs in which mentally disabled people can pursue their own rehabilitation plan. By making it possible for these individuals to live a life of independence and dignity, ICL serves as a shining example of service to the mentally and developmentally disabled community. I urge my colleagues to join me in commending the Institute for Community Living and in extending our best wishes for its continued success.

ON THE RETIREMENT OF FLOYD FLAKE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. NADLER. Mr. Speaker, I rise today to bid farewell to a very distinguished Member of my State's delegation. FLOYD FLAKE has served in the House with honor, with sincerity, and with unwaivering commitment. He can serve as a model to all of us in this body: for over a decade, he has fulfilled a calling to public service, fighting the fights he believes in, representing his constituents with passion and nobility.

In leaving this body, FLOYD FLAKE is leaving this Nation richer for his service. The moral guidance he has given us and the example he has set for us will echo through this Chamber in the coming years, resonating with its obligation to the people of this country after he has gone.

Now, our colleague is about to respond to another calling. With the chance to devote his full energies to the needs of his congregation, he will continue his lifelong commitment to service and justice. And though he will be in a new setting, he will continue to be an inspiration for us all. I can only say that it has been an honor serving with him, and I wish him all the best.

PERSONAL EXPLANATION

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. RADANOVICH. Mr. Speaker, as a result of being detained while in the service of my constituents in my district, I may have been unable to cast votes today on measures before the House of Representatives. I would like to take this opportunity to explain my support for three key areas of public policy, which were likely voted on in my absence.

H.R. 867, the Adoption Promotion Act.—I support this measure, as I believe it emphasizes the need for foster children to be adopted by a permanent family. Also, the Adoption Promotion Act requires States to expedite the process that governs the adoption of a foster child. The bill provides for increased stability for foster children and encourages a strong, healthy family structure. All foster children deserve the opportunity to be adopted to secure a sound future.

H.R. 2709, the Iran Missile Proliferation Sanctions Act.—Credible reports have drawn attention to the fact that Iran is pursuing plutonium separation and gas centrifuge enrichment in its nuclear program. Iran has also taken aggressive steps toward purchasing nuclear weapons-related material. Potentially, this development poses an enormous threat to our Middle East allies and other peaceful countries around the world. Therefore, we must take the appropriate steps to prevent Iran from obtaining a nuclear missile capability. H.R. 2709, the Iran Missile Proliferation Sanctions Act, goes a long way toward accomplishing this objective. The legislation requires the President to submit a report to Congress, within 30 days of enactment, identifying nations or entities about whom there is credible information that they transferred missile goods or technology to Iran. Sanctions against entities involved in the attempt or transfer of missile technology to Iran include denying arms exports licenses and eliminating all United States assistance for 2 years. The bill also expresses a sense of Congress that the President should exercise existing authorities and available funds to prevent the transfer of weapons-related material and delivery systems to Iran. I believe the actions taken in this bill will check Iranian arms proliferation and enthusiastically support its passage.

S. 1519, Extending the Intermodal Surface Transportation Efficiency Act.—S. 1519, Extending the Intermodal Surface Transportation Efficiency Act [ISTEA], is an important piece of legislation. The measure provides $9.7 billion in new transportation money to States, thus continuing transportation funding to the States until Congress passes a regular, 6-year ISTEA bill next year. Extending ISTEA for this temporary duration is important to ensure that California, as well as the other the States, continues to provide for the transportation needs of its residents during this time.

SUNSHINE IN THE COURTS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. SCHUMER. Mr. Speaker, in April of this year, I along with my distinguished colleague from Ohio, Congressman CHABOT, introduced H.R. 1280, the Sunshine in the Courtroom Act. H.R. 1280 allows photographing, electronic recording, broadcasting, and televising to the public of Federal court proceedings at the discretion of the presiding judge. This legislation is key to opening our Federal courts to cameras in order to educate the public and increase understanding of our Federal judicial system.

Allowing sunshine into our Federal courtrooms is one of the best ways to expand public knowledge on how our Federal court system operates. In recent years, there has been an increasing concern regarding our courts. Changes of judicial activism are eroding confidence in the legitimacy and fairness of Federal court proceedings. If the public continues to be kept in the dark about what occurs behind the doors of Federal courtrooms, these concerns and criticisms will surely mount. The availability of televised courtroom proceedings will increase public confidence in our Federal system, as demonstrated already within State courts around the Nation. Decisions made in Federal courts have the capability to affect every citizen's life. The public should have the opportunity to see and understand how these cases unfold.

In 1997, the House of Representatives passed a House resolution to televise House floor proceedings and committee hearings to the public to create a greater degree of accountability of Members of Congress to their constituents and to enable the public to obtain a greater appreciation for the work that occurs on Capital Hill. C–SPAN coverage of the House allows citizens to watch and learn about the legislative branch for themselves, instead of relying solely on the media to interpret for them what is happening in Washington, DC.

I was elected to the House of Representatives for my ninth term last election by the citizens of my district in New York, and I continue to be accountable to every one of my constituents. Through C–SPAN coverage, they can see for themselves the issues I fight for and against on their behalf. It is time to take this idea of cameras for accountability and expand it into the judicial branch of the Federal Government.

I would also like to emphasize to everyone that H.R. 1280 does not in any way encroach on the powers of even one Federal judge. Quite the contrary, it is a pure grant of discretion, empowering the Federal judge to open or close proceedings that today are closed regardless of the judges desire and willingness to open the proceeds to public view. The Sunshine in Courtroom Act allows cameras in Federal courts only upon the approval of the presiding judge in each specific case. There are certain cases that are too sensitive to allow full media coverage of its judicial proceedings, such as trials involving minors, or cases in which a witness or members of a jury need to be kept confidential in order to protect them from harm. I do not want there to be any confusion on the fact that H.R. 1280 leaves judges total power to deny or limit television coverage of these types of cases.

Mr. Speaker, my fellow Members of Congress, the Sunshine in the Courtroom Act is legislation that is long overdue. Opening up our Federal courts will allow the public to see how our justice system really works and to gain a greater appreciation and trust in our Federal courts. In the second session of Congress we need to make H.R. 1280 a priority by holding hearings on this issue and then, passing this legislation into law. We, as Members of Congress, need to assert our dedication to keeping the Federal Government open and accessible to the public by letting sunshine into our courtrooms.

TRIBUTE TO REPRESENTATIVE FLOYD FLAKE OF THE SIXTH CONGRESSIONAL DISTRICT OF NEW YORK

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, my departing words for a good friend, Congressman FLOYD FLAKE are marked with good wishes and sadness. While Allen A.M.E. Church is gaining a great minister who will work full-time for his congregation, the United States House of Representatives will be losing a man of conviction, compassion, and remarkable legislative skill. I will miss him, as will this body, not only as a lawmaker but as a valued friend.

Congressman FLAKE has brought together the spirituality of the church, the innovation of the private sector, and the laws of the Government to produce economic revitalization for his congregation and the entire Sixth Congressional District.

November 7, Congressman FLAKE said his formal goodbye to the House of Representatives. For the first time, he told Members as well as the C-SPAN viewing audience about his inspirational road to success in the ministry, academia, and Congress. Never until that day had he told people about his long days of work and long nights of studying to earn his undergraduate degree or his doctorate of ministry. This is how we will remember Congressman FLAKE. We will remember a man who did not speak about his difficult road to success, rather, he spoke proudly about his service to God, his family, his district, and his country.

Congressman FLAKE was born in Los Angeles on January 30, 1945, and came to Houston, TX, to attend public school. After growing up in the great State of Texas, he studied at Wilberforce University in Ohio, earning his undergraduate degree. He continued to broaden his educational experiences in graduate programs at Payne Theological Seminary and Northeastern University. In 1994, he earned his doctorate of ministry degree from the United Theological Seminary in Dayton, OH.

Congressman FLAKE evolved from student to educator, serving as dean of students and university chaplain at Boston University in 1976. He served as the director of the Martin Luther King, Jr. Afro-American Center at Boston University from 1973 to 1976. From 1970 to 1973, he served as the associate dean of students, director of student activities at Lincoln University. Moving to business, he served as a market analyst for Xerox and as a sales representative for Reynolds Tobacco Co. He also served as a social worker for an early child development/Head Start program.

Mr. Speaker, Congressman FLAKE has lent his talents, energy, and concern for others to many activities. Congressman FLAKE always says that he has been blessed to have enjoyed so many successful endeavors. Personally, I would say that he has blessed so many people in so many areas.

Legislatively, I will remember his work on the Committee on Banking and Financial Services and increasing investment opportunities for undeserved communities through the Bank Enterprise Act and the Reform of the Community Reinvestment Act.

Congressman FLAKE has done more than lecture and preach about the merits of self-sufficiency and job creation. Through his church, he has created local jobs, affordable homes, schools and multiservice centers that provide health care.

Mr. Speaker, it has truly been a pleasure to serve with the Congressman from New York's Sixth Congressional District. It will be even more of a pleasure to hear and witness his continued work in helping his community. Along with the many other Members of this body, I would like to give Congressman FLAKE my wishes of good luck and blessings.

HONORING IDA ECKHAUS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor Ida Eckhaus, a pioneer in providing community living for people with mental disabilities.

Mrs. Eckhaus has always been committed to bringing vital services to the people of New York City. Through her efforts, she was one of the founding members of APRIL, the Association of Parents for Rehabilitation and Independent Living. She and her husband Sam, along with three other couples, got together with the simple plan of obtaining housing for persons who suffered mental illnesses. In those meetings, they found there were many more needs for the mentally ill. Out of those meetings, the organization grew to become one of the largest affiliated in the State.

In addition to her community advocacy, she enjoyed working with families and their loved ones. For years her personal telephone at home was a crisis hotline. No hour was too late, no problem too difficult, no person too distraught for her. She was always there to help in any way she could. Even after the installation of the APRIL Hotline, Mrs. Eckhaus continued to take her calls at home.

Mrs. Eckhaus was a person of superlatively high standards, complete integrity, and boundless enthusiasm for whatever task she undertook. Throughout here service, she also served on numerous boards including the Institute for Community Living and AMI/New York State and she also founded Summit House of Brooklyn.

Mr. Speaker, please join me in honoring Mrs. Ida Eckhaus and all her contributions to the community of Brooklyn.

CONGRATULATIONS TO LANCASTER LABORATORIES

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. PITTS. Mr. Speaker, today I would like to honor Lancaster Laboratories, a company in Lancaster, PA, recognized in the October issue of Working Mother magazine as one of the 100 best companies for working moms.

Even through the transition that Lancaster Labs has undergone over the past few years, this family-begun business has not only kept its emphasis on quality, but it once again has proved to be a successful company which values the family. By believing that a company can be committed to providing state-of-the-art services, and still manage people in a way that accommodates the hectic and activity-laden lives of working mothers and fathers, Lancaster Labs has succeeded in keeping their dedicated employees.

Lancaster Labs has been measured against standards of child care, flexibility, pay, opportunities to advance, and other family-friendly benefits. Although the company came out strong on each one of these, it is not because they attempted to meet some arbitrary yardstick, but because Lancaster Labs believes in creating a company that has fairness and family at the core of its existence. With fair pay, advancement for women, onsite child care, and the promotion of adoption, Lancaster Labs is an exemplary and prosperous part of our community.

Mr. Speaker, I congratulate this exceptional company for its holistic approach to the working environment. Many companies would be wise to learn from the Lancaster Labs' example, which says that enhancing the lives of working moms can significantly improve the overall performance of the company. I wish the very best to Lancaster Labs in the future.

CHARITABLE INCENTIVE GIVING ACT OF 1997

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. DUNN. Mr. Speaker, in this time of fiscal constraints, I am introducing today legislation that would encourage greater private sector support of important social, educational, nutritional, medical, and other necessary programs in local communities by restoring incentives for charitable giving of closely-held stock.

Governments on all levels, Federal, State, and local, are reducing spending throughout their budgets, including social programs. At the same time, society's needs for these programs cannot be overlooked. Congress should do all that it can reasonably do to encourage private philanthropic efforts at this critical stage in restructuring Government and returning responsibility to our local communities. Many of these services can be provided at the local level by charities that know the community best and can supply the most efficient and competent delivery of services. Public charities and private foundations already distribute funds to a very diverse, wide-ranging group of social support organizations at the community level on a timely basis.

To meet the resulting deficit in unmet social needs, Government cannot merely expect the private sector to fill the gap, but must provide the leadership for the use of private sector resources through changes in the Tax Code.

One source of untapped resources for charitable purposes is closely-held corporate stock. Today the tax cost of contributing closely-held stock to a charity or foundation is prohibitive, and it discourages families and owners from disposing of their businesses in this manner. This legislation would correct this problem by once again permitting certain tax-free liquidations of closely-held corporations into one or more tax exempt 501(c)(3) organizations.

Under current law, the problem with giving closely-held stock to charity is that the absence of a market for such stock and the typical pattern of small and sporadic dividends paid by such closely-held companies make it difficult for a charity to benefit from ownership of such stock. Accordingly, if such stock is given to a charitable organization, and in particular if a controlling interest is given, the corporation may have to be liquidated either by statutory requirement or to effectively complete the transfer of assets to the charity for its use. Under current law, such a liquidation would incur a corporate tax at a Federal rate of 35 percent. This cost is imposed as a result of the tax law changes made in 1986 that repealed the "General Utilities" doctrine and this imposed a corporate level tax on all corporate transfers, including those to tax exempt organizations. The charitable organization could also be subject to unrelated business income taxes. These tax costs make contributions of closely-held stock a costly and ineffective means of transferring resources to charity, and these are the costs I propose to eliminate in order to free up additional private resources for charitable purposes.

The legislation I introduce today eliminates the corporate tax upon liquidation of a qualifying closely-held corporation if certain conditions are met. Most importantly, qualification would require that 80 percent or more of the stock must be bequeathed at death to a 501(c)(3) tax-exempt organization. This bill also clarifies that the charity can receive mortgaged property in a qualified liquidation free from the unrelated business income tax for a period of 10 years. This change parallels the exemption from the unrelated business income tax [UBIT] for 10 years provided under current law for direct transfers by gift or bequest.

By eliminating the corporate tax upon liquidation, Congress would encourage additional, and much needed transfers to charity. Individuals who are willing to make generous bequests of companies and assets they have spent years building should not be discouraged by seeing the value of their gifts so substantially reduced by taxes. There will be a revenue cost to this legislation, probably in the hundreds of millions of dollars based on work the Joint Committee on Taxation has done on this concept over the past year. But it is crucial to remember that this cost represents charitable giving of many times that amount; by the same techniques used to estimate tax cost, it's estimated the giving stimulated to be as much as seven times the revenue cost, placing its value in the range of $2 to $3 billion. In short, this revenue impact represents the expectation of significant transfers to charity as a result of the legislation.

Good tax policy would advocate the broadest support of charitable giving. It is worthwhile to note that the individual donor does not receive any tax benefit from the proposal. All tax savings go to the charity. By inhibiting these charitable gifts, the Government not only hurts those individuals that most need the help of their Government and their community.

I welcome my colleagues' support and cosponsorship for this legislation. I urge each Member to talk to their constituents about it and learn for themselves the response received from those individuals and families in local communities in a position to make such a charitable gift of their business.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BALLENGER. Mr. Speaker, on Saturday, November 8, I missed rollcall votes 617 (H.R. 2631) and 618 (H.R. 2534). Had I been present I would have voted "yea" on both.

TRIBUTE TO EUGENE LESESNE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to one of my constituents, Mr. Eugene Lesesne of Pittsburgh, PA.

Eugene Lesesne, a U.S. Army veteran of World War I, will be 100 years old on November 19. Born in Sumter County, SC, he served in the Quartermaster Corps in France in the final months of the First World War. He moved to Pittsburgh shortly after his discharge in 1919 and has lived there ever since.

A quiet, unassuming person, Mr. Lesesne lived a life of hard work as a laborer. He was married twice, widowed twice, and was a father of four. Mr. Lesesne attributes his long life to the good habits instilled by his parents, whom he describes as "good Presbyterians who taught me to stay away from bad things." A longtime member of Grace Memorial Presbyterian Church, in 1968 he joined with church people of different races to form the Community of Reconciliation, an interracial, interdenominational church. He continues to sing tenor in that church's choir to this day and is noted for the natty way he dresses.

I commend him to this body as an example of a man who served his country overseas in his youth and came back home to lead an exemplary salt-of-the-Earth life.

COMMEMORATING THE 25TH ANNIVERSARY OF THE GREAT LAKES WATER QUALITY AGREEMENT

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. LATOURETTE. Mr. Speaker, I rise today to commemorate the 25th anniversary of the Great Lakes Water Quality Agreement [GLWQA]. This groundbreaking agreement between the United States and Canada was signed on April 15, 1972, by President Richard Nixon and Canadian Prime Minister Pierre Trudeau as a binational pledge to reduce and prevent Great Lakes pollution. The GLWQA grew out of a need to reverse the decades-long trend of decline in the health and beneficial uses of the Great Lakes.

My constituents have been especially impacted by water quality since my district includes the longest Lake Erie shoreline of any Ohio congressional district. In the late 1960's, Lake Erie was considered to be a dead lake, with stinking mats of algae growing profusely, and huge parts of the lake rendered uninhabitable for fish due to lack of oxygen. After a comprehensive study of this problem was conducted, it became apparent that these problems were the result of eutrophication, or the overfertilizing of the lake. Too much phosphorus was being dumped into Lake Erie from various sources, including farms, factories, and private homes. The 1972 GLWQA included provisions for the reduction of phosphorous loadings into Lakes Erie and Ontario.

As a result of the 1972 GLWQA, phosphorus levels significantly decreased in the Great Lakes. In Lakes Erie and Ontario, phosphorus loadings have been reduced by almost 80 percent. The United States and Canada achieved this binational goal through improvements in sewage treatment, lowering the levels of phosphorus in detergents, and reducing agricultural runoff.

In 1978, the GLWQA was revised and the two countries pledged to restore and maintain the chemical, physical, and biological integrity of the waters of the Great Lakes basin ecosystem. Toxic substances were a major concern by the late 1970's, and the two countries committed themselves to achieving zero discharge of toxic substances in toxic amounts and the virtual elimination of persistent toxic substances. These persistent toxics bioaccumulate in organisms and increase in concentration up the food chain. Some of these substances, such as PCB's and dioxin, have been shown to cause adverse health effects in humans and wildlife.

Again, my constituents have been impacted by the constant plague of persistent toxics which were dumped into the lakes during a time when the consequences of pollution were not understood. The Ashtabula River and harbor in northeast Ohio was a dumping ground for toxic waste for years.

The 1987 protocol to the Great Lakes Water Quality Agreement reinforced the 1978 commitments of the United States and Canada and highlighted the importance of human and aquatic ecosystem health. Provisions were added to clean up 42 local areas of concern in the Great Lakes and included the development and implementation of remedial action plans [RAP's] and lakewide management plans [LaMPs].

The Ashtabula River and harbor was designated as an area of concern by the International Joint Commission [IJC] in 1985, and a remedial action plan has since been developed to clean the river up. Under the leadership of the IJC, a coalition of interested parties

has worked continuously to make the Ashtabula River and harbor one of the first successful cleanup sites in the Great Lakes. The Ashtabula River Partnership has made great strides in recent years to secure the commitment of the Army Corps of Engineers to safely dredge the sediments and dispose of them in a manner consistent with our obligation to protect the environment.

The accomplishments under the GLWQA extend beyond my constituents' corner of the Great Lakes. As a result of the United States and Canadian commitment to reducing toxic substance releases, cormorants in the Great Lakes region have significantly increased in population from the 1950's to the 1970's levels when the number of nesting pairs of cormorants dropped by 86 percent. Concentrations of DDE and PCB, both persistent toxic substances, decreased in cormorant eggs by more than 80 percent between 1971 and 1989. Concentrations of chlorinated compounds, such as dioxins and furans which are used in the bleaching process of pulp and paper mills, have decreased in the Great Lakes by 90 percent since the late 1980's.

On November 1, 1997, in Niagara Falls, NY, the International Joint Commission, with Canada and the United States, celebrated the 25th anniversary of the GLWQA. This event was attended by many people in the Great Lakes community hailing from United States and Canadian Government agencies, environmental organizations, public interest groups, and industry. The key speakers at the celebration were Deputy Secretary John Garamendi, United States Department of Interior, and the Honorable John Fraser, Canadian Environment Embassador, as well as a member of my staff, Mr. Brett Kaull.

At this landmark anniversary of the GLWQA, we must not rest on the laurels of the accomplishments of the past, for there is still much to be done to restore the environment of the Great Lakes, This effort will require vigilance and commitment from the United States and Canada, Federal and local governments, industry, and the public. In 1999, the United States and Canada will review the agreement's objectives and terms to determine whether to update its scope. Let us continue to work together in a concerted effort to achieve the goal of bringing back the Great Lakes to their former preeminence as a natural resource to be enjoyed for generations.

TRIBUTE TO RODGER MEIER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to a constituent and good friend Mr. Rodger Meier, this year's recipient of the Russell H. Perry Free Enterprise Award. It is very difficult to be brief when paying tribute to Rodger Meier, a man who has championed so many noble causes.

I know him as an advocate of entrepreneurial initiatives, community service and public policy issues that has produced opportunities for the citizens of Dallas. The Wright amendment was established to protect the economic opportunities and financial well-being of the Dallas-Fort Worth Airport. Rodger was right there and never fails to express his feelings about keeping the economy strong in the Dallas area.

In addition, he is a long-time supporter of DART and has lead to my constituents enjoying better transportation and environmental opportunities while producing more dollars for area businesses and allowing passengers to reach key destinations without clogging our highways and freeways.

And so, it is truly fitting that he is being honored this year with the Russell H. Perry Free Enterprise Award. This award salutes entrepreneurial spirit and how it fosters opportunities, service, and civic responsibility. After all, Rodger embodies all of these traits. And I shall never forget how he worked so hard and put in all of his efforts in passing into law, the 1985 education bond election. It was critical and he was there.

He was there because he believed in education and that no child should be left behind and that all children must be included in education. Rodger is just so good in every area and he really understands the needs for all of the people. And in addition to all his caring, he has been the No. 1 Cadillac salesperson in all of the country, and we all like Cadillacs.

I first met Rodger when we both were on the board of trustees at Texas Christian University where we both graduated from. And that friendship will never end. I have so much respect for him as a husband, father, Christian man and civic person extraordinare. In addition to a few things that I have pointed out, Rodger is involved in so many more. He never forgets the young people, whether handicapped or not.

He never forgets to be caring as it relates to any issue and I think that the committee has decided this year to give honor to the award by citing Rodger Meier.

It is my pleasure to congratulate you Rodger, and in addition to congratulating you, I thank you. I thank you for all that you have done to make this world a better place and to make Dallas a better community. The award does itself honor in honoring you. I thank the awards committee. Rodger, my friend you have earned it, you deserve it and I hope that you enjoy it.

HONORING ADAM ARLEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor Adam Arlen, a pioneer in providing community living for people with mental disabilities.

Mr. Arlen was born in Poland where he was educated in economics. After experiencing years of hardship during World War II and the oppression of the subsequent Communist government, in a dramatic personal adventure, he escaped to the United States to start a new life in 1966.

During his first years in America, following formal training, Adam Arlen became a nursing home administrator. In the early 1970's, seeing that large numbers of individuals with mental illnesses were being discharged from State hospitals into the community with inadequate aftercare, he pioneered the development of this type of community living in New York State. For almost two decades, he stood out among his colleagues as a supporter of the highest quality of services for individuals under his care. In his role as advocate, he testified before legislative and administrative bodies and supported the creation of award-winning mental health programs. As a founding member of the Institute of Community Living's Board of Directors, he has continued to speak out on behalf of those with mental disabilities offering unique and practical advice that stems from his special personal history and as well as professional interests.

Mr. Speaker, please join me in honoring the zealous and faithful advocacy of Adam Arlen on behalf of individuals with mental disabilities.

PATRICIA STARK OF RIVERHEAD, SELECTED AS PERSON OF THE YEAR

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. FORBES. Mr. Speaker, I rise today to join my friends and neighbors on eastern Long Island as we pay tribute to Patricia Stark, of Riverhead, in honor of her designation as 1997's Person of the Year by the Paumanok District of the Suffolk County Council of the Boy Scouts of America.

Pat Stark's good work is so extensive, it might be more apt to declare her Person of the Decade. She is being honored by the Suffolk County Boy Scouts because they recognize her selfless and seemingly endless contributions of time and energy to the entire Riverhead community. Pat has worked tirelessly to improve the quality of life for all her neighbors, whether through supporting the arts, beautifying our community, improving education, protecting the environment, or preserving her hometown's historic legacy.

After a career in education where she taught in several Long Island schools, Pat has directed her talents to private business and is now the vice president of Storage Town East. But she is most loved and respected for her tremendous pride in her community, one that has inspired her devotion to Riverhead. Pat founded the Riverhead Country Fair, serving as the event's cochair for 7 years, with the goal of the focusing the townspeople's attention on the special gifts of the Peconic River. With the help of her friends and neighbors, that purpose was attained and today the riverfront has come alive with the bustle of boaters, fishermen, residents, and tourists.

Pat also served as chairperson of Riverhead Townscape, an organization responsible for allocating the funds raised by the fair on beautification projects. Some of the beneficiaries those efforts include the Peconic Riverfront, Lombardi Park, the flower boxes, trees and

plantings along Main Street, plantings in Grangebel Park, the gardens and grounds of the East End Arts Council, and the Riverhead Preservation and Landmark Society.

Pat's other efforts includes serving as co-chair of the East End Arts Council's Suffolk Theater advisory committee, the Riverhead Business Improvement District's downtown planning strategies committee, and as president of the Riverhead Revitalization and Preservation Corp., which has just completed a vital historic restoration project on Roanoke Avenue.

Completing her prodigious list of volunteer efforts, Pat is a member of the advisory board of the Hallockville historic site, serves as director of Confraternity of Christian Doctrine for St. John's Roman Catholic Church and is still a prodigious fundraiser for many local nonprofit organizations. Patricia has been recognized in the Senate by AL D'AMATO for her efforts in housing restoration and it is altogether fitting that the House of Representatives honor her contributions.

That is why, Mr. Speaker, that I ask my colleagues in the House to join me honoring Patricia Stark and recognize her commitment to promoting and protecting the quality of life of Riverhead and the entire east end of Long Island, for her family and for her community. We are truly blessed to count her as our friend and neighbor.

DESIGNATION OF THE "EUGENE J. McCARTHY POST OFFICE BUILDING"

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. VENTO. Mr. Speaker, I rise with the support of the Minnesota delegation in the U.S. House, to introduce H.R. 2836, a bill to designate the U.S. Post Office Building in downtown St. Paul, MN, as the "Eugene J. McCarthy Post Office Building."

Eugene J. McCarthy served as a U.S. Representative from Minnesota's Fourth Congressional District, the seat that I've been honored to represent. He also served for many years as a U.S. Senator from the State of Minnesota. He served for over two decades in Congress and was a much celebrated candidate for the Democratic nomination for President of the U.S. in 1968. Gene McCarthy's role in this 1968 campaign was the catalyst that set in place major change in U.S. and global policy in Southeast Asia and electoral politics in our Nation.

Eugene McCarthy was a teacher in the public schools in Minnesota and a professor at St. John's University in Collegeville, MN. He was also an instructor of economics at the College of St. Thomas in St. Paul and a distinguished author of numerous books on subjects ranging from children's literature to history and most renowned for his poetry.

The State of Minnesota is the home of many great leaders, however, few have touched as many lives as Minnesota's Eugene McCarthy. Senator McCarthy is a tireless leader and throughout his recent illness his fighting spirit persists. Therefore I, as well as, the Minnesota delegation and the people of the great State of Minnesota want to honor the accomplishments and service of this historic Minnesota leader from the area of St. Paul, MN, that catapulted him onto the national stage and into the U.S. Congress.

I welcome the support of my colleagues and this Nation in recognition of the career and public service of this great American.

WALTER CAPPS WAS A JOYOUS MAN

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BEREUTER. Mr. Speaker, on October 28 the House of Representatives lost an extraordinary Member. That loss was felt here, and it was felt across the country. Earlier in October the gentleman from California, Mr. Capps, had visited this Member's home State of Nebraska and the city of Omaha, where he was born and grew up. Not surprisingly, Nebraskans responded enthusiastically to his warm and generous spirit. This Member commends to his colleagues the piece by Roger Bergman which appeared in the Omaha World-Herald on November 8, 1997.

[From the Omaha World-Herald, Nov. 8. 1997]

WALT CAPPS "WAS A JOYOUS MAN"

(By Roger Bergman)

Even as the lights were coming back on in our house and around Omaha on Oct. 28, another kind of light was being extinguished. Our friend—really a member of the family—Congressman Walter Capps was dead. He suffered a heart attack in Dulles Airport in Washington, D.C.

It seemed impossible that someone so vital—so full of life and with so much to offer—could be claimed by darkness so suddenly, so unexpectedly, so early. Even at 63, even after barely surviving a head-on collision with a drunken driver more than a year ago, Walt Capps was not someone you expected to die. My wife, Dr. Wendy M. Wright, a Creighton University theology professor for whom Capps was an intimate friend and mentor, expressed it well: "He was such a joyous man."

During his recent visit to his native Omaha to attend family and high school reunions and to speak at his boyhood church and at Creighton University, Walt remarked to me that no less a figure in Western civilization than St. Augustine had written both "The Confessions" and "The City of God," respectively classics of spiritual autobiography and political theology.

A longtime and influential professor of religious studies at the University of California at Santa Barbara, Capps was elected to the U.S. House of Representatives less than a year ago. As he said in his lecture Oct. 12 at Creighton, he was trying in his own way and however modestly to bridge the gap between spiritual values and the concerns of public life. That an accomplished scholar and master of the lecture hall would even consider such a challenge at the time in a career when most of us would be thinking of retirement attests to his insatiable thirst for life generally and to his faith in the democratic ideal specifically.

It was also Augustine who proclaimed that a Christian should be an "alleluia from head to foot." Walter Capps was such a man.

And his joy in life and hope for America in a time of cynicism about politics was infectious. After spending the evening of Oct. 12 listening to the congressman speak enthusiastically of the quality of people he was getting to know in Washington and of the genuine care and concern of so many elected officials and their often young and idealistic staffs to do the right thing, one Creighton political science professor remarked that she had not felt so hopeful about Congress for years. Although 15 years my senior, Walt, with an almost boyish verve for an overwhelmingly difficult job, made me feel somewhat jaded by comparison.

Perhaps some of Walt Capps' hopefulness came from the healing and reconciliation he saw taking place in his course on the Vietnam War. Vets who had never told their stories before were invited to share the podium with him. Students whose fathers were unknown to them personally were sent as emissaries of the class to the Vietnam Memorial in Washington to touch those precious names on the black marble. Sen. Bob Kerrey, Nebraska's then-governor, took an active role in the class for years, becoming a close friend to Capps and mentoring him into political life.

Capps quoted Kerrey in his lecture at Creighton. Politics is often defined as the art of compromise. But Kerrey, reported Capps, described politics as the art of the possible.

The congressman's own philosophy corresponded well with that. Especially after his near-fatal crash in 1996, he said he woke up every morning just grateful for the new day and the opportunities it offered.

He approached his legislative role in Washington in the same spirit: Whatever small advance I can help to make for the general welfare of the people of this country, let me be ready to do it. Not a bad philosophy for the rest of us.

Of Capps' 14 books, the most recent was on the Czech playwright and president, Vaclav Havel, another fine intellect who responded to the call of public service. Havel's most recent book is titled "The Art of the Impossible." Walter would have appreciated that perspective on self-government, too. One of his own books was significantly titled, "Hope Against Hope."

But Walt Capps was not merely a dreamer. He wanted to make a difference. And so he put up with the arduous demands of the campaign trail (and the insults of his opponent, which he did not return) and the daily frustrations of an idealist in the powerbrokering world of the national capital. If he tilted at windmills, it was only after being sure it was for the good of his own constituents and the country generally.

Like a combination of Don Quixote, St. Augustine, and Vaclav Havel, our friend Walter Capps dreamed a possible dream. He believed that citizens could govern themselves despite deep moral and ideological disagreements. Perhaps felled by the strenuous schedule that belief demanded of him as a citizen-representative, Walt Capps is a reminder to all of us that democracy has no sidelines.

Professor Capps—he took a leave of absence from his university post rather than give it up entirely—had a more personal dream, too. After several terms in Congress, he wanted to return to the University of California at Santa Barbara to teach about democracy.

Democracy, he said, is not something we inherit as a lifeless monument from the past.

It is something we create and recreate every day. Or at least that is the challenge.

He will not be able to fulfill that personal dream—to the loss of all of us, but especially to those UCSB students who will know of him only by reputation. My wife and I are immensely grateful that our children, his godchildren, were touched by his life.

But like the image of a flame that lingers in the mind's eye even after the wick has been snuffed, Walter Capps' joyous, hopeful, generous spirit will linger long after his life has gone out.

May he rest in peace. And may the rest of us get to work.

VETERANS DAY IS AMERICA'S DAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. RAHALL. Mr. Speaker, I rise today to commend to my colleagues an article that was published in the Charleston Gazette of Charleston WV. The article was written by a constituent of the Third Congressional District of West Virginia and a national vice commander of the American Legion, Mr. Robert Vass, Sr., of Huntington, WV.

I am sure that many of my colleagues spent yesterday the same way that I did, visiting with constituents to celebrate Veterans Day. Entire communities come together on November 11 each year to honor those who have served our Nation in the Armed Forces. Veterans Day is an opportunity to remember those who have given their life in service and to remind ourselves of our responsibility to care for those veterans who still need assistance.

As Mr. Vass writes, veterans continue to serve our Nation, even after leaving the military. Not only are they ready to serve in time of war, they remain active in times of peace. Veterans and active-duty personnel alike are active in our communities by volunteering at hospitals, sponsoring scouting and athletic programs for youths, providing scholarships or students and donating thousands and thousands of hours in volunteer service in their communities.

I share my good friend's column with my colleagues because it reminds us that Veterans Day is not just a day for veterans and their families; it is America's Day. It is a day for Americans to "express appreciation for the contributions of all veterans up upholding the values for which these patriots sacrificed." And it is a day for all Americans, to be like veterans, and to involve themselves in their communities.

Mr. Speaker, I have included a copy of Bob Vass column and ask that it be printed following my statement.

[From the Charleston Gazette, Friday, Nov. 7, 1997]

VETERANS DAY IS AMERICA'S DAY—HOLIDAY HONORS THOSE WHO SACRIFICED

(By Robert E. Vass, Sr.)

I'm proud to be one of countless Americans who in the tradition of the citizen-soldier fighting for America's independence, served in our nation's armed forces. I served in the U.S. Army Air Corps during World War II.

Veterans Day, Nov. 11, is not only my day; it is American's day. On this day, in events ranging from solemn to spectacular—in sprawling cities and in small towns—Americans will honor those who sacrificed for freedom.

Men and women of all races, creeds and social stations have stood in harm's way in World War I, World War II, Korea, Vietnam, Lebanon, Panama, Grenada and the Persian Gulf. More than a million of them, including my wartime contemporaries, forfeited all of their tomorrows in their youth so that the core values of our nation—freedom, justice and equality—might grow old.

A simple gesture of gratefulness is all veterans want on Veterans Day. Whether you a veteran or not, you can poignantly express appreciation for the contributions of all veterans by upholding the values for which these patriots sacrificed.

I and my comrades in the American Legion support traditional American values here and in thousands of other communities nationwide. We carry on a tradition of community service dating back to the Legion's founding in 1919.

We advocate policies upholding law and order, a strong national defense, a full accounting of those listed either as missing in action or as prisoners of war, and just compensation for veterans, with service-connected disabilities. The latter includes thousands of Gulf War veterans who went to the region healthy and returned with ailments of mysterious origin.

We volunteer in Department of Veterans Affairs hospitals. We help veterans file claims for benefits. We sponsor programs which instill traditional values in young people, including Scouts, high school ROTC, American Legion Baseball, American Legion Boys State and Boys Nation, Junior Shooting Sports, and the National High School Oratorical Contest.

West Virginia Legionnaires last year donated 38,436 hours of service to their communities, awarded $63,664 worth of scholarships to 70 deserving West Virginia students, and donated 459 pints of blood to West Virginia blood collection centers.

Above all, consistent with our support for the Constitution, Legionnaires believe "we the people" must have a voice in how our nation is governed. On this premise, the U.S. Senate should do what the House did in June: Pass a constitutional amendment to return to the people the right to protect the flag of the United States from physical desecration.

Ordinary citizens must reinforce America's core values through service to God and country and participation in our governance. That's what the American Legion is all about on Veterans Day and every day. And that's what we all must be about on Veterans Day and every day.

Veterans Day is America's day.

SCHOOL CHOICE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 12, 1997, into the CONGRESSIONAL RECORD.

SCHOOL CHOICE

Education has always been a defining issue in American politics and a matter of the highest importance. Everyone believes that in America every child should get a good education. Politicians of all stripes have yearned to be known as "education presidents" or "education governors". The often heated debates swirling at the local school board level also testify to how central an issue education is at all levels of government.

Now a further debate within this larger education debate is taking place in statehouses and schoolhouses across the country. That debate is over school choice. At a fundamental level, school choice involves giving parents the ability to select which schools their children attend. But despite the relatively simple definition, school choice involves many different and competing options, and the debate is heating up.

WHAT IS SCHOOL CHOICE?

School choice encompasses a broad spectrum of educational initiatives and models, from modest tinkering to expansive reorganizations. The most popular include school vouchers and charter schools.

School vouchers provide assistance to families, often in the form of coupons, to be used to pay either a portion or the entire cost of private school tuition. Cleveland and Milwaukee have voucher programs supported with taxpayer dollars. These programs are targeted to low-income families. In Indianapolis there is a limited voucher program funded through private funds.

Charter schools are independent public schools usually started by parents, teachers, and administrators. These schools are freed from some of the bureaucratic rules and regulations that drag down performance, but in return they are responsible for meeting certain standards. Over the past several years there has been an intense debate in the Indiana state legislature over the issue of some charter schools possibly restricting admission.

CONGRESSIONAL DEBATE

Currently in Congress the school choice debate is a popular topic and will certainly continue to be a lightning rod for years to come. Supporters claim that choice injects competition and accountability into the educational system. They ask why the poor should not have the same chance at better schools as the well-to-do. They believe that choice will, through competition, prod the public schools to get better.

American parents are deeply concerned about the quality of their children's education, and are searching for ways to improve the system. School choice is one such option. Billed as a way to increase parents' control over where their children enroll while also creating incentives for reform in our public schools, the numerous school choice proposals promise to shake up our educational system. In this day and age, when we often hear calls to increase the efficiency and responsiveness of government, the free enterprise themes that characterize school choice proposals resonate with many Americans.

Opponents, on the other hand, argue that choice, at its least, unduly weakens public schools and, at most, is unconstitutional. They argue fairness: since States will never have the money to help all the poor children who want it, most poor children will never be able to take advantage of the choice, and they will be left behind in a public system more starved for money then ever before. For them, public funds should be spent to improve public schools, not spent to help students leave them.

Critics also argue that most Americans do not want tax dollars subsidizing private schools, and they believe that vouchers create instant church-state problems. They say that using public funds for religious-affiliated schooling is a violation of the First Amendment's separation of church and state which is at the center of the American political heritage.

Critics also point to the practical difficulties in implementing school choice. In urban areas, where there are not only more schools to choose from but also greater accessibility to public transportation, it is easier to implement school choice reform. Could this work in rural southern Indiana where schools are often separated by at least an hour's drive? What about parents unable or unwilling to choose, or troubled students who are less desired by the schools? How do you find enough resources to make choice really meaningful, so even the poorest or worst behaving or lowest achieving student would have a chance to enroll in a good school?

ASSESSMENT

When it comes to the education of American children, I believe we should be willing to experiment and creatively address the challenges of making sure they receive the world-class education they deserve. The idea of school choice is certainly an attractive one, at least in general. By allowing parents to send their children to any school in any neighborhood, many schools will shape up and bright students can shop around to escape inferior schools.

But I also believe that choice is not a cure-all for American schools. It must not stand as a substitute for a strong commitment to a sound education for all of our children. If school choice is going to be an effective alternative, we must address the fundamental issues which surround it, and local leadership must take the lead in designing the programs. In general, I think school choice works best when it is arrived at gradually, locally, and voluntarily—not by top-down mandates.

The verdict is still out on whether school choice programs already in place have been ultimately successful. For this reason, school choice needs to be a gradual experiment, and local leaders need to look long and hard at a variety of innovative strategies aimed at improving public schools.

What we do not want in the end is a school choice system that leads to further segregation by race or income, or a choice system that creates a few favored schools for the elite. To bridge the gap between the ideal of school choice and the reality of fundamental educational reform, we need to carry on with this timely experiment.

WHY BETTER CERTIFICATES OF MEDICAL NECESSITY ARE NEEDED TO HOLD DOWN MEDICARE FRAUD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. STARK. Mr. Speaker, on October 7, I introduced H.R. 2633. to require the Secretary of HHS to develop and require the use of standard forms by which physicians certify that a course of home health or hospice care is necessary and appropriate.

Today, doctors just sign for such services without a clear statement that the patient qualifies or is eligible for the course of treatment. Often a doctor is nagged into approving the course of treatment by the family or patient, and I know that many doctors would like to be able to explain to patients why they cannot casually certify an expensive Medicare benefit, but instead, various conditions of medical need must be met.

A clearer, consistent statement of CMN can help reduce fraud. For example, there is the complaint of the United States versus Joseph Ari Kirschenbaum, filed this October 14 in the U.S. District Court for the Northern District of Illinois (Eastern Division), No. 97 CR 702. In the grand jury's charges and in the complaint, Mr. Kirschenbaum is charged with defrauding Medicare of millions of dollars by providing —or not providing—hospice benefits to Medicare beneficiaries.

Following is one of the many charges from the grand jury. It is important to note that Doctor K and the other doctors mentioned in this charge are not—to my knowledge—being charged with the hospice owner. A reformed and strengthened CMN system, as provided in H.R. 2633, would help ensure that doctors would not casually sign such stacks of paper, and if they did, would be liable for false certification.

58. It was further part of the scheme that defendant KIRSCHENBAUM hired a Medical Director for Samaritan Care who, in exchange for a modest salary, was willing to sign every patient certification form that was presented to him without examining the patients or reviewing the patients' medical records. This Medical Director, referred to in this indictment as "Doctor K," had no involvement in the hospice other than signing his name to patient forms every two weeks at the Samaritan Care office. Often the patients had been receiving hospice care for several days before Doctor K first learned of the patients when he received the certification forms to sign. Kirschenbaum never informed Dr. K of the extensive responsibilities of the Medical Director as set forth in the Policies and procedures, and Dr. K did not fulfill these responsibilities. Kirschenbaum later employed other Medical Directors at modest salaries who signed certification forms without seeing patients or reviewing their medical records.

TRIBUTE TO JOE PAULINO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. UNDERWOOD. Mr. Speaker, I rise today to pay tribute to one of Guam's educators, and a former colleague of mine, Jose "Joe" E. Paulino, who was called from this life on October 14, 1997.

Following his graduation from George Washington Senior High School in 1956, Joe attended the College of Guam before transferring to Fresno State College in California where he earned a bachelor of arts in physical education and a minor in recreation in 1961. After his graduation, Joe returned to Guam and began his teaching career at Inarajan Junior High School. He spent the next 3 years teaching at the former Tumon Junior-Senior High School, prior to commencing his affiliation with the College of Guam in 1964.

The following year, Joe was granted a year of paid educational leave by the college's then president, Antonio C. Yamashita, to pursue a master's degree in physical education at Indiana University. Upon receiving his degree in 1966, he returned to the College of Guam and was promoted to an assistant professor position. Joe continued his teaching career, achieving associated professor status at what would eventually become the University of Guam in 1977, and subsequently achieving tenure in 1982.

Later that year, Joe took leave from the university to become the director of the department of parks and recreation, but continued to teach one course per semester at the University of Guam through 1984.

In 1984, he returned to the University of Guam campus on a full time status accepting the position of advisor to then university president, Jose Q. Cruz, on the management and operation of the newly built University of Guam fieldhouse. President Cruz subsequently appointed him as the fieldhouse manager, a position he retained until his retirement in 1991.

During Joe's distinguished academic career, he served on a majority of the University of Guam's planning committees. He also held responsible administration positions, including chairman of the Division of Health, Physical Education, Recreation and Dance, and assistant to the president.

Joe also played a major role in the establishment of sports organizations, such as the Guam Sports Federation, the Guam Tennis Club, the Guam Table Tennis Association, the Guam Volleyball Association, the Far East AAU, the Guam Amateur Sports Association and the Guam Amateur Baseball League. He was one of the driving forces behind Guam's involvement in the 1966, 1969, and 1975 South Pacific Games, the Chamorro Open Tennis Tournament as well as the activities for refugees as part of Operation New Life.

Throughout his teaching career, Joe Paulino consistently demonstrated the kind of care and commitment to students expected for all good teachers. Joe reached out not only to Guam students but also to hundreds of young men and women from our neighboring Micronesian islands. Whenever necessary, he took these visiting students under his wing during their stay on Guam. He also spent many summers teaching courses in Kosrae and Chuuk. Joe Paulino's distinguished service, his active involvement and his contributions to the University of Guam and to the people of Guam are well deserving of recognition and have in fact moved the Guam legislature to enroll him in Guam's "Guma Onra" or House of Honor.

My sincere condolences go out to his wife, Pauline, and his children and their spouses, Mark and Pauliana, Brian, Andre and Melissa Mendosa.

THE VIETNAM WAR: THE MISSING CHAPTER IN AMERICAN HISTORY BOOKS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. MANZULLO. Mr. Speaker, yesterday, my family and I had the opportunity to attend the commemoration of Veterans Day held at the Vietnam Memorial in Washington, DC. My children, ages 9, 11, and 13, don't know the meaning of the word "Vietnam," though several times we have talked to them about the Vietnam war.

Gen. Barry McCaffrey, Vietnam war veteran, and now head of our Office of National Drug Control Policy, gave a stirring speech about the ones who fought the war, reminding us that the price of freedom is very high. I also heard the incredible speech of Ann Cunningham, a nurse who served two tours of duty in Vietnam and who shared her experiences of the war.

Then I met a group of Vietnam veterans in the rotunda of our Capitol, and they advised me that in many school history textbooks the Vietnam war is relegated to a simple paragraph. The memory of the 58,000-plus men and women who perished in that war deserves more than cursory comment.

Therefore, I am requesting the speeches given by Gen. Barry McCaffrey and Ann Cunningham be included in the CONGRESSIONAL RECORD for today. I trust that they will be read by children and serve as a missing chapter in our history books.

REMARKS FOR VETERANS DAY, VIETNAM WAR MEMORIAL

(By Gen. Barry McCaffrey)

INTRODUCTION

Senator Hagel, Jan Scruggs, distinguished guests, ladies, gentlemen, fellow Veterans of the Vietnam War.

In particular the assembled soldiers of B Company, 2–7th Cav who I was privileged to serve with in Vietnam during 1968–1969—thank you for your courage and dedication in combat and the joy of our reunion during the past two days.

I am especially honored to be here with our keynote speaker, the Honorable Charles Hagel, Senator from Nebraska, who courageously served in Vietnam as a squad leader in the 9th Infantry Division. He is one of the seven U.S. Senators and nine Congressmen, members of Congress, who fought in Southeast Asia.

Today we honor all those who served in Vietnam—both the living and those who never came home.

A ceremony at this site brings to mind the images of the nearly three and a half million men and thousands of women who served in the Vietnam theater. It also brings into sharp focus the faces of mothers, fathers, young wives, and children who braved the uncertainty of that conflict, waiting with anticipation for the return of loved ones.

Our country did not treat any of you with the respect, support, and compassion you deserved. It was a shameful blot on our history to send our country's young men and women off to this terrible conflict and then use our soldiers as objects of blame for the divisive political struggle that ripped the nation apart for a decade.

The names inscribed on this monument are those of men and women who went to Vietnam with their futures ahead of them and who came back home only as memories to their loved ones.

More than 58,000 died and over 303,000 were wounded. The bloodshed was terrible, and the suffering has not ended. At least 80,000 of our ranks still suffer from severe service-connected disabilities; around 6 percent of our Vietnam War comrades suffer from drug abuse or dependence; 11 percent suffer from current alcohol abuse; many are homeless; and others still suffer from war-related psychological and physical problems.

This continuing heavy human toll demands that we Americans vigorously support the finest possible health care in our Veterans' Administration facilities and sustain strong outreach programs to assist Veterans suffering from drug and alcohol dependency and physical and emotional wounds. Our nation needs to make the sacrifice for those who sacrificed so much in Vietnam.

WHO WE WERE

Who were we, who went to war in Vietnam?

We were young. Our average age was 19. 60 percent of those killed were 21 or younger. In my unit, B Company 2–7 Cav, 1st Cavalry division, almost all of the troops were between 18 and 22—basically young men who rapidly turned into hardened combat soldiers.

We represented the face of America. We were men and women, rich and poor. 11 percent of our ranks were African-Americans. 5 percent were Hispanic.

We were the best educated troops our nation had ever sent to war. 79 percent of us had a high school education.

Most of us were volunteers. Many of our best combat soldiers were drafted. More than 70 percent of our killed in action were volunteers. United by circumstance and choice, we risked our lives for fellow soldiers and country.

We paid a high price for service to our country. A grunt in the 25th Infantry Division had a 75 percent chance of being killed or wounded. One in four marines became a combat casualty. We suffered amputations or crippling wounds at 300 percent the rate of our world War II forbears.

We served honorably. 97 percent of us received honorable discharges.

We have been successful. Vietnam Veterans enjoy incomes higher than our non-veteran counterparts. We also have an employment rate ⅓ higher than those who never served in the armed forces.

WHAT WE LEARNED

The Vietnam War officially ended in 1975, more than twenty-two years ago. For many of us, nearly three decades have passed since our time in Vietnam. The historians may still be sifting through mountains of documents. However, most of us assembled here already know what we learned from the War.

1st—We must not commit our youth to war without the support of the American people. For in a democracy, lack of such support produces catastrophic divisiveness and weakening of national will, which are essential to winning.

2nd—We must not send our sons and daughters to war without a clear understanding of national aims and the costs for achieving them. For failing to articulate these requirements leads to flawed strategies and higher casualties.

3rd—Victory will be paid for in blood by the men and women who serve and by loved ones at home who must bear separations, recoveries from wounds, and ultimate sacrifices.

And 4th—As individuals, we learned that to survive and succeed when conditions are appalling and your life is on the line requires: moral and physical courage, competence, self-discipline, and trust in your buddies.

THE FUTURE

Our nation needs your help:

1st, Help Vietnam Veterans in need. Get involved in state, local, and Veteran organizations. offer your energy, time, money, and support.

2nd, Battle the evil of illegal drugs. Get involved in state, local, and community anti-drug efforts.

3rd, Improve your community. Get involved in other activities to make your community better. Our nation's leadership system works from the bottom up.

ENDING

We stand before this black marble wall with row after row of names and salute fallen comrades for their courage. We remember the worlds of poet Laurence Binyon, who wrote at the end of World War I:

"They shall not grow old, as we that are left grow old,
Age shall not weary them, nor the years condemn,
At the going down of the sun and in the morning
We will remember them."

Thank you Vietnam Veterans for your service to America.

SPEECH OF ANN CUNNINGHAM

Today is Veterans Day—a day set aside to honor the men and women who have served this country.

Today is also the 15th anniversary of the dedication of the Vietnam Veterans Memorial—the Wall—which at the time of dedication was scorned and ridiculed as a black gash of shame and today is the most visited of any Memorial in Washington.

Today is also the 4th anniversary of the dedication of the Vietnam Women's Memorial—which took 10 years to build and I feel would never have been built but for the tenacity and determination of Diane Carlson Evans. People ask me which of the three women remind me of myself. They all remind me of myself at one time or another, but the one I am most drawn to is the kneeling figure. If you look closely at her face you will see pain, sadness, exhaustion, and compassion reflected there. All the women who served in Vietnam and during the Vietnam War had these traits—from the nurse in the operating room, to the nurse in the ICU unit.

From the Red Cross women who read books and wrote letters for wounded GI's, to the Air Traffic Controllers who brought the planes home after their missions, from the women who counted and tallied up the casualties daily, to the women in Special Services.

Thirty years ago I was in Vietnam. I was a young, naive 22 year old, a year and a half out of nursing school when I joined the Army Nurse Corps. I was two and a half weeks out of basic training the day I landed at Bien Hoa Airbase with about half of my basic class and a greener 2nd Lt. you would never find.

I was a trained operating room nurse, but I had never seen a trauma patient, let alone a mass casualty situation. Needless to say in the next 12 months I saw many such situations. It was the best of times and the worst of times and it took me 15 years to talk about it. When the Wall was dedicated, I didn't even know about it because I didn't read about Vietnam or watch Vietnam movies.

When I did see the dedication on TV, part of me was sad that I wasn't there, but in 1982 I wasn't ready to face Vietnam.

I look at the Wall behind me and I see the names of people I know—Bruce Kennedy and Charlie Warner—I grew up with in Santa Monica, CA. We all went to school together.

I look behind me and I see the names of people I served with: Leroy Pitts, Al Gaidis, Zeddie Dulin, Chuck Springer, Lowell Morgan and Phil Schmitz.

I look behind me and I see the names of women who cared enough to volunteer to help other Americans: Carol Drazba, Annie Graham, Elizabeth Jones, Hedwig Orlowski, Eleanor Alexander, Pamela Donovan, Mary Klinker and Sharon Lane.

I look behind me and I see the name of Gary Jones, a person I loved very much. We went to Vietnam, I came back and he didn't.

I look behind me and I see the name of patients we were unable to save. One, I especially remember, he is engraved in my mind forever. I was able to find his family and I wrote them a letter. His mother wrote back and these were her words, "when we received word that our son was wounded, I wanted to go to him, to somehow be there for him, but I could not be there. That is a mother's worst nightmare. You will never know what it means to us to know that before he died, someone was there to care. Thank you for all you did."

I think of the friends who have died since Vietnam, whose names are not on the Wall, but maybe ought to be, of BT Collins, whose contributions to the living and the dead will live on forever and of Doug Colliander, who was a friend and died too soon.

I look behind me at the memorial and think of the friends who have been dead now longer than they lived and of the impact they made on my life.

To the veterans in the audience today, the veterans of World War I, World War II, Korea, Desert Storm, Somalia, Bosnia and Vietnam, especially Vietnam, I say "thank you for your service and your sacrifices for your country and welcome home. You are very special people."

INDIA FACES THREAT OF SELF-DETERMINATION, PROFESSOR SAYS, FACES NO EXTERNAL THREAT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. TOWNS. Mr. Speaker, I noted with interest the recent remarks of Dr. Ainslie Embree, a professor at Columbia University, at a seminar on "India's Regional Security" held recently at the Henry Stimson Center here in Washington.

Professor Embree stated categorically that India faces no external threat. The imminent threat to India is the movements for self-determination throughout the subcontinent, he said. He cited the freedom movement in Kashmir as the most immediate, but also cited the freedom struggles in Nagaland, Tamil Nadu, and Punjab, Khalistan. India takes the position that self-determination movements are only used legitimately against a colonial power, but that once a country is independent no part of that country can claim its independence, as the Sikh nation did on October 7, 1987, when it reclaimed its freedom, forming the separate, sovereign country of Khalistan. Sikhs ruled Punjab until the British annexation in 1849 and were to receive sovereign power in 1947 when India was made independent, so clearly it is now India that is the occupying colonial power in Khalistan, as well as Kashmir, Nagaland, and many other countries in South Asia. In fact, there was no political entity called India until the British created it in the nineteenth century.

Professor Embree said that India will have to resolve the Kashmir issue by letting the people of Kashmir exercise their political will through the referendum they were promised in 1948, but which India has never allowed to be held.

Despite facing no external threat, India is building up its military might, especially its nuclear capacity. Two Indian scientists admitted in mid-October that India's supposedly peaceful nuclear explosion in 1974 was a bomb. In addition, the chief of the Indian infantry said on October 23 that the Indian military is being trained in nuclear and chemical warfare. A secret report, revealed on October 16, shows that Indian plans to produce enough plutonium for 50 nuclear bombs within three years.

These frightening developments raise a troubling question: If India faces no external threat, why is it producing nuclear weapons and training its troops for nuclear war? There are only two possible answers. Either these weapons are a means of tightening the repression or India is planning to start a war with a neighbor, presumably Pakistan. I would warn India right now: The world will find any nuclear attack unacceptable and a war will only strengthen the hand of the freedom movements in the countries India occupies.

In light of these revelations, especially since India refuses to sign the Comprehensive Test Ban Treaty, India should be declared a nuclear threat to the world and appropriate security measures should be taken. We should place tough sanctions on India, cut off its aid, and support the movements for self-determination in Khalistan, Kashmir, Nagaland, and all the nations of South Asia. We must support freedom wherever and whenever we can. We can make a real difference in South Asia. We must begin supporting freedom in South Asia now.

I am inserting an article from the news service NNI on Professor Embree's remarks into the RECORD.

INDIA FACES INTERNAL THREAT NOT EXTERNAL; AMERICAN EXPERTS

(By Ainslie Embree)

WASHINGTON, October 28 (NNI).—The only threat to Indian security is internal not external, and the internal threat is the "self determination threat," said Dr. Ainslie Embree Professor Columbia University speaking at a seminar held at Henry Stimson Center Washington. The topic was "India's Regional Security". He was the key-note speaker.

Dr. Ainslie said India as well as Israel had been driving for commercial and cultural hegemony over the world. Focusing on Indian claims, he pointed out that in the brief 50 years of independence, India had already lost the role that the sub-continent played in the region during the Mughal and the British rules.

He said that during early days of independence Nehru defined India's problems as the communal problem, the caste problem and the language problem, but Nehru failed to mention the self determination as India's biggest problem. He said ironically, India itself was a big supporter of self determination in those days, and would support all the liberation movements against the colonial powers in Africa, Asia or Latin America.

India changed its position on self determination in 1966, said Dr. Ainsilie. He said that since 1966 India pronounced the self determination movement as a movement against an alien occupation, foreign occupation or a colonial occupation only; and once a country was independent, no part of that country could claim independence, and thus no self determination movement was acceptable.

The first self determination example of South Asia is Pakistan, said Dr. Ainsilie, adding Pakistan was the result of self determination movement by the Muslims of the sub-continent. He said apart from several self determination movements of South Asia stretching from Nagaland to Tamilnad to Punjab, the most important, most lasting one is the self determination movement of the Kashmiris.

He said India will have to resolve the Kashmir issue, even if it considers the UN resolution as an extreme position and impracticable, India cannot ignore the movement and will have to let Kashmiris exercise their will.

Dr. Ainsilie emphasized that Kashmir is the core issue between Pakistan and India, and no one in Pakistan is interested in the small matters like visa or trade facility, while is not ready to accept the Kashmir problem as a problem.

On Siachen, Dr. Ainslie said that Pakistan's position was logistically better than India's, so that Pakistan had to spend much less than India. India is bleeding at Siachen, he added.

Dr. Ainslie Embree is also a member of Kashmir Study Group, and the team leader who recently visited Pakistan, where he met with Foreign Minister Gohar Ayub, Information Minister Syed Mushahid Hussain, Minister of State for "Agenda 2001" Ahsan Iqbal.

CONGRATULATIONS TO HORIZON ARMENIAN TELEVISION

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Horizon Armenian Television on the occasion of their 1,000th show. Horizon signifies excellence in Armenian television broadcasting.

On Friday, November 7, Horizon Armenian Television celebrated its 1,000th show with a gala banquet at the Universal Sheraton in Los Angeles. As a statewide television program, it is the largest and most watched Armenian television program. The show contains Armenian local, national, and international news. The hour-long program also includes cultural and community events along with Armenian music videos.

Horizon is administered under the direction of the Asbarez Armenian newspaper and Editor John Kossakian. I commend Mr. Kossakian

for his work with the Armenian publication Asbarez and Horizon Armenian Television. In my district, which includes parts of Fresno, Madera, Mariposa, and Tulare Counties, the horizon show can be seen every Wednesday from 5:30 to 6:30 p.m. on Media One (local channel 42).

Mr. Speaker, it is with great honor that I congratulate Horizon Armenian Television as it celebrates its 1,000th show. The show signifies leadership in reporting Armenian news and information. I ask my colleagues to join me in wishing Horizon continued success with future programing. I extend to Asbarez and Horizon my appreciation for a job well done.

TRIBUTE TO THE BLACK ARCHIVES, HISTORY AND RESEARCH FOUNDATION OF SOUTH FLORIDA, INC., ON ITS 20TH ANNIVERSARY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to the Black Archives, History and Research Foundation of South Florida, which is celebrating its 20th anniversary on Saturday, November 15, 1997.

This is indeed a milestone in the history of this organization, given the countless struggles and challenges that ushered its humble beginnings. And as I join my community in recalling the role of Miami's Black Archives Foundation, I also would like to honor Dr. Dorothy Jenkins Fields who serves as the catalyst behind its emergence as a respected institution. Almost singlehandedly, Dr. Fields helped turn around a neglected part of Miami's cultural heritage into a living, breathing lesson about the black experience in south Florida for students, adults, and researchers alike.

In preparation for the celebration of our Nation's 200th birthday, she conceived and developed the concept that hastened the establishment of this cultural institution. Incorporated on November 17, 1977, as a private, nonprofit organization, the Black Archives, History and Research of South Florida, Inc., is presently governed by a board of directors and supported by a board of trustees. Funded solely by its members, donations and grants, the foundation is dependent upon its volunteer help.

This institution serves as a manuscript/photographic repository of south Florida's African-American communities. The materials in this repository are collected for educational purposes for users, which include students, teachers, scholars, researchers, the media, and the public-at-large. The memories of the pioneers, family albums, photographs, documents, souvenir programs from churches and organizations are preserved in its burgeoning files. Additionally, it identifies historic sites for nomination to local, State, and national designation. As a result of the collected documentation, the historic Overtown Folklife Village and Dade County's Black Heritage Trail came to fruition.

It also works in conjunction with the Dade County Public Schools by providing content for the Infusion of African-American history into existing curriculum utilizing source materials for school children of all races throughout the school year. It also initiated the restoration of several historic sites including the Dr. William A. Chapman, Sr. residence. Located on the campus of Booker T. Washington High School, the house was restored for reuse as the Ethnic Heritage Children's Educational Center.

One of the more recent joint ventures it worked out with the Dade County Public Schools is the creation of a district-wide, multicultural and multi-ethnic research and educational facility for students, teachers, and the community. The objective is to provide opportunities for students at all grade levels to celebrate the rich variety of cultures in Dade County. This program enables students to record the past in relation to the present, as well as ponder the possible events of the coming century.

The documented materials that now form the wealth of the Black Archives Foundation collectively represent a stirring graphic journey into the inner sanctum of some of the most vivid life-experiences of African-Americans in Dade County. The soul-searching representation captivated by its historic documents personify not so much the black destination, as much as the episodic journey of our pioneers to that destination. Together they evoke the truism of a revered African Ashanti proverb that "* * * until the lions get their own historian, the story of the hunt will always glorify the hunter."

Mr. Speaker, I am truly proud of the pioneering efforts and resilient spirit of Dr. Dorothy Fields that nurtured the spirit of the Black Archives Foundation in south Florida. The significance of the role of the foundation is premised on the paradigm in that when you stifle the remembrance of your people's past, you will have silenced the promise of their future. Conversely, however, I am exultant that under the aegis of this revered institution our community has truly become redemptive and knowledgeable of the struggles and sacrifices of our African-American forbears.

As we honor them through the celebration of the 20th anniversary of the Black Archives Foundation, we will have become once again their partners in exploring the journey they begun. In the convergence of our spirits and memories with theirs, we will be enriched because through our understanding of the many and varied messages they left us through their life's journeys, we will be inextricably linked closer to them.

On this occasion, I want to congratulate the board of directors and the board of trustees for their steadfast efforts and genuine resilience throughout the Black Archives Foundation's 20-year history. I would like to reiterate our community's utmost gratitude for giving us the privilege of maximizing our knowledge of the vast richness and nobility of our African-American heritage.

INTRODUCTION OF THE POLICE PURSUIT AND RESCUE SUPPORT ACT

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. KILPATRICK. Mr. Speaker, today, along with Congressman MARTIN FROST and Congresswoman JUANITA MILLENDER-MCDONALD, I am introducing the Police Pursuit and Rescue Support Act. This legislation is very simple: it will allow for our financially strapped police departments to utilize Department of Defense helicopters and other equipment to pursue felons or rescue citizens.

High-speed police pursuits are an unfortunate consequence of the very difficult job that our local police officers must do everyday. In 1996, 377 persons nationwide were killed as a result of these high-speed pursuits, with 107 of these fatalities being occupants of other, uninvolved vehicles or innocent bystanders. Two persons in my congressional district have died as a result of these high-speed pursuits this year. Their deaths inspired me to seek a reasonable and workable solution to this challenge. Helicopters have been shown to be a more cost-effective and efficient device in high-speed pursuits. However, the high expense to purchase and maintain a helicopter is prohibitive to many local police departments.

The Police Pursuit and Rescue Support Act will allow local police departments to utilize helicopters or any other equipment from the local Army, Navy, Air Force, Marines, or Coast Guard branch to pursue fleeing criminals or rescue citizens. Upon the submission to the Department of Defense of high-speed pursuit and rescue guidelines by the local police department, the Department of Defense will make helicopters and other equipment available, with a pilot and maintenance person, free of charge, to the local police department. This would be a mutually agreeable arrangement: the local police department and the local Army, Air Force, Coast Guard, or Navy base both must conclude that this arrangement is practical, feasible, and financially responsible.

The Police Pursuit and Rescue Support Act is a voluntary program that allows local police departments to draft their high-speed pursuit and rescue guidelines, submit these to the Department of Defense, and upon approval of these guidelines, work with their local branch of the Department of Defense to establish exactly how, when, and where this emergency equipment would be used. Each local police department would have the flexibility to design and develop their own high-speed pursuit guidelines. As a former elected Michigan State legislator, I am sensitive to mandates in a one-size-fits-all fashion coming from Washington, DC, and stringently avoided any such prerequisites in the Police Pursuit and Rescue Support Act.

Finally, this bill will make Department of Defense equipment available for the rescue of citizens. Many of our cities have high-rise office buildings that are inaccessible by the longest hook and ladder fire trucks. There are

those accidents and catastrophes that are only accessible by the high technology, advanced vehicles available to our armed services.

It only makes sense for our financially strapped police departments to have access to that equipment, already paid for by taxpayer dollars, to safely pursue criminals and rescue citizens. My bill gives local police departments the flexibility to design policies that will protect citizens, police officers, and save taxpayers untold sums in wrongful death lawsuits.

10TH ANNIVERSARY OF THE EDISON INDUSTRIAL SYSTEMS CENTER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the 10th anniversary of the Edison Industrial Systems Center. On November 6, 1997 EISC will celebrate its long history of achievement and contribution to the businesses and citizens of Ohio at a celebration to be held at the center of science and industry in downtown Toledo, OH.

EISC has been a tremendous force in helping to link companies to high tech resources in Ohio and throughout the Nation. These connections have been instrumental in increasing production and in improving the quality of products and employee skills in industry.

One of EISC's major accomplishments is the revolutionary and much acclaimed Toledo Technology Academy. The academy's goals are to prepare high school students for high-tech careers or for further education in engineering disciplines.

Food production is Ohio's largest industry and EISC's food technology centers work to modernize food producers who still rely on outdated technology for quality control. Modernization provided by EISC through this program vastly improves plant safety, product consistency and profits.

Among the innovations created under the food technology centers are several new types of food sensors that measure quality. Germ free packaging methods instructed by EISC are another helpful addition to the industry, improving the safety of our food.

The center for technology commercialization offers a variety of services to firms. Attorneys, accountants, and financial institutions maintained by this division are available to companies as a form of cost-effective support.

Companies in the city of Toledo, OH, and throughout the Nation are indebted to EISC for its work. I will be pleased to join my community on November 6, 1997, to commemorate the strides EISC has made in 10 years of growth and betterment to industry.

HONORING ASSEMBLYMAN JAMES F. BRENNAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor the work and achievements of Assemblyman James F. Brennan.

Jim Brennan represents the 44th assembly district containing section of Park Slope, Flatbush, Kensington, Parkville, Midwood, and Windsor Terrace. Since 1994, Jim has chaired the assembly standing committee on mental health, mental retardation and developmental disabilities. Mr. Brennan also serves on four committees: corporations, authorities and commissions; education; and real property taxation.

In his 12 years in the legislative, Mr. Brennan has sought to champion consumer protection, energy conservation, and social and economic justice. He is well known for his expertise on budget matters, school aid, and utility regulatory matters. He is the author of a major piece of budget reform legislation, the tax expenditure budget. This law, passed in 1991, requires the Governor to submit an itemized list of every special tax break that exists within the State tax code as part of the budget. This gives the legislature and the public the opportunity to scrutinize each tax break and to determine if it has a benefit to the public as well as to the private parties involved. Mr. Brennan also authored the exemption from the vault tax for New York City homeowners and the exemption from the New York City personal income tax for poverty level taxpayers.

Mr. Brennan maintains an active presence in his district, participating in the many civic, school, and community improvement efforts with his constituents. To better serve his constituency, he maintains two district offices. He was first elected to the assembly in 1984 after working for his predecessor, Joseph Ferris.

Mr. Speaker, please join me in congratulating Assemblyman Jim Brennan for all of his years of faithful service to his country and to the 44th assembly district of Brooklyn, NY.

CONGRATULATIONS TO C.W. "BILL" JONES AND THE WESTERN DIVISION OF WILBUR-ELLIS CO.

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate C.W. "Bill" Jones and the Western Division of the Wilbur-Ellis Co. as they are presented with Fresno Agriculturist and Fresno AG Business of the Year Awards. Bill Jones and the Wilbur-Ellis Co. exemplify excellence in the agriculture industry.

Bill Jones, originally from Big Spring, TX, graduated from the University of California, Davis with a bachelor of science degree in agriculture. After being honorably discharged with the rank of captain from the U.S. Army Air Force, Bill Jones returned to the Central Valley where he worked as a fertilizer salesman. In 1949, Jones acquired 1,200 acres of farmland in the Firebaugh Canal Co. and started J & J Farms. In 1968, Bill was appointed to the California Water Commission by then-Gov. Ronald Reagan. During his time of service on the commission, he was known for recognizing the importance of water development throughout the State. J & J Farms has continued to grow and add a number of crops to its production ledger, including cotton, melons, alfalfa, corn, tomatoes, onions, garlic, broccoli, lettuce, and other vegetables.

Bill Jones played a key role in the formation of the San Luis and Delta-Mendota Water Users Association in 1977, and was elected president of its board of directors at the first meeting. He held the position for 20 years, retiring in June 1997. Under his leadership, the association expanded its membership to include urban contractors such as the Santa Clara Valley, the city of Tracy and the Grasslands Water District.

The Western Division of the Wilbur-Ellis Co., headquartered in Fresno, has been serving the San Joaquin Valley and Arizona for 51 years. The company was selected by a committee representing the AG Fresno Advising Board, the Baker, Peterson & Franklin [BP&F] AG Department, and other organizations as a winner of the 1997 BP&F AG Business Award.

The Western Division of the Wilbur-Ellis Co. is actively involved in testifying, lobbying, and helping to influence legislation for the reform of the Endangered Species Act, pesticide safety, water issues, and tax reform. They encourage their 400 employees to be actively involved in community service. The company also provides its employees company time to pursue their interests. The company sells pesticides and fertilizers through 18 branch locations, and its AMC subsidiary manufactures spray rigs and equipment. The company prides itself on the exceptional service to their customers.

Mr. Speaker, it is with great honor that I congratulate both C.W. "Bill" Jones and the Western Division of the Wilbur-Ellis Co. as they are presented with the Fresno Agriculturist of the Year and the AG Business of the Year Awards. The hard work and dedication of both Mr. Jones and the Wilbur-Ellis Co. serve as a model for all Americans. I ask my colleagues to join me in wishing Mr. Jones and the Western Division of the Wilbur-Ellis Co. the best for the future.

IN MEMORY OF ANNE DOYLE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Anne Doyle of Brecksville, OH. A Cleveland native, Anne successfully managed a family, a career, and several community activities.

In 1959, Anne was named Mother of the Year by the Southeast Mothers of Twins Club. She gave birth to twin sons, one of whom had Hodgkin's disease, only 11 months after the

birth of her first child. She and her husband, Bertram, welcomed their fourth child when their oldest was starting kindergarten. Juggling an active household with four young children and budgeting her time to include activities such as Cub Scout den mother and singing with the Sweet Adelines prepared Anne for her later career. She served as an administrative assistant of parking and security for Cleveland State University for 9 years.

Anne's strong family values, and her exceptional Czechoslovakian recipes, will endure in her three surviving sons, Michael, Kenneth, and William, and her five grandchildren. She will be greatly missed.

IN MEMORY OF JOHN MILSTEAD

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. McCOLLUM. Mr. Speaker, I rise with great sorrow over the loss of a good friend of many of us in the Florida delegation, John Milstead, and to give condolences to his family. On Sunday, November 9, 1997, John suffered a massive heart attack while at home. He passed away that night at the age of 62.

John Milstead was the executive vice president of the Florida Bankers Association [FBA] for the last 24 years. In that role he was instrumental in many of the major changes in the banking industry over the last quarter century. John was government relations for the FBA both in Washington and Tallahassee.

Legislators of all stripes knew and liked John, and he will be missed by many. It was always a pleasure to visit with him, both in Washington and back home in Florida. His lack of pretense and absolute sincerity in personal and professional relationships made him a special person. John always knew the issue and argued his cause, but he was never abrasive. He was warm, generous, and thoughtful with everyone with whom he came in contact. Mr. Speaker, no words could do justice to how fine a person John Milstead was.

Our sympathy goes to John's wife Chris, his two sons, three daughters, and six grandchildren.

IN MEMORY OF HON. JUDGE ANGELO DARRIGO

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of a truly outstanding member of the bar in my congressional district, a credit to the bench, the Honorable Judge Angelo Darrigo.

Angelo was first elected town justice in the town of Newburgh, in Orange County, NY, in 1957. He was reelected every 4 years since and accordingly served on the bench for nearly 40 years. It is a credit to the high regard in which he was held that he was unopposed for reelection. In fact, he was reelected without opposition to his 11th 4-year term on the bench just last week, 4 days prior to his passing.

Angelo was a combat veteran of World War II, serving in the Army Air Corps. When he and I came to know each other, when we were both studying law in New York City, we shared many memories of our experiences as Army Air Corpsmen.

Angelo was known not only for his compassion and fairness on the bench, but also as a skilled legal practitioner whose door was open day or night for anyone seeking his wise counsel and advice. Angelo will be sorely missed.

Mr. Speaker, I invite our colleagues to join with me in expressing condolences to Angelo's widow, Antoinette, their three sons, Carl, Michael, and Anthony, their two granddaughters, Angelo's sister Mary Russo, his brothers, Frank and Thomas, and their many other family members, loved ones, friends, and admirers who recognize that Judge Angelo Darrigo will be sorely missed.

FAST TRACK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. KAPTUR. Mr. Speaker, by defeating fast-track negotiating authority, the House holds a rare and, in fact, profound opportunity—after nearly two decades of growing pleas from the American people—to define a new and responsible American free trade policy where trade becomes a two-way corridor—where reciprocity reigns; where America's trade ledgers move from deficit to surplus again; where fair treatment and a living wage is afforded people who work, and where the wages and benefits earned by America's workers rise again; where the rule of law gains ascendancy on a global basis; where respect for the world's environment is fundamental; where we as Members of Congress uphold our own sovereign constitutional responsibilities as this Nation's chief lawmaking body on trade.

Congress must respond to the plight of people like Ethel Tyner or David Filipiak or Griselda Rodriquez—our fellow citizens who have paid the price of flawed trade agreements. Our trade policy cannot abandon people such as Wanda Napier of Missouri, who had worked for Lee Apparel for 14 years and whose job was terminated and moved south of the border.

Like millions of other Americans who remain invisible to the persistent proponents of fast track, Wanda was on the losing end of fast track. Vanity Fair Corp., parent company of Lee Apparel which has been expanding its operations in Mexico and other foreign countries while terminating 1,650 more jobs in the United States, suddenly announced in September 1996 it was closing the plant where Wanda had worked for over a dozen years, throwing 350 Americans out of work.

President Clinton, after failing to acknowledge her plight for nearly 2 years recommended the fast-tracker's panacea to Wanda—retraining. Well, she went for retraining. In her own words,

> We were ridiculed and humiliated by the local division of Employment Security. Even though most of us had never asked the United States government for a dime in their lives, we were treated like we were worthless and had our hands in the government till. We were told we couldn't go to the schools we wanted or take the training we needed. We were told that the only training we could have was the quickest, the fastest, and the cheapest.

Today Wanda works for two-thirds her former wage and receives no health benefits or pension.

A vote against fast track is a vote of conscience that puts a human face on trade. It is a vote that says where trade is not a two-way street, serious human casualties prevail. The President claims that fast-track trade agreements create "good, high-paying jobs at home." What jobs? The Economic Policy Institute has identified almost 400,000 more lost U.S. jobs, 19,000 in Ohio, just from NAFTA. In just the last 3 months, nearly 3,000 more jobs have been moved to Mexico alone. Yes, Mr. President, more people are working but they are working harder for less—4 percent less since NAFTA and GATT even in this time of economic growth, and 20 percent less over the last 20 years.

Just ask thousands of Americans whose jobs are being fast-tracked outside the United States as we conduct this polite debate—the 279 recently terminated workers at Eveready Battery in Fremont, OH; or the 350 terminated workers at Jansport in Burlington, WA; or the 1,500 workers that got pink slips at Fruit of the Loom in Louisiana this Tuesday; or the 10,000 at Kodak in Rochester, NY and elsewhere who await their layoffs this week; or the thousands of vegetable farmers and production workers in Florida whose futures have been permanently altered because our Government failed to respond in a timely manner to the import surges that wiped out over 225 farm operations since NAFTA's passage. Talk to the hundreds of thousands of terminated workers whose jobs have been fast-tracked, and who if they have been re-employed, now earn $2 less per hour on average than on their previous job, many of them working part-time, or for reduced hours with lower or nonexistent health and pension benefits.

On the global front, it's time for a realignment of U.S. trade policy that goes beyond the narrow tariff and investment focus of NAFTA and GATT. America must not trade away its middle-class jobs. Expanding trade must be linked to democracy building and social development abroad—free trade among free peoples.

As John Kennedy taught us, "economic growth without political freedom elsewhere remains an empty promise" in history's long struggle toward the liberation of subjugated people. Tonight, we demand an international trade policy that respects people as much as it respects capital.

Will the trade rules that govern that global market ensure that trade does not become a race to the bottom, undermining America's jobs, wages, and consumer and environmental protections? Will it lead to the development of democracy and the rule of law in other nations or simply enforce plutocracy? The question for the 21st century is whether the world trade regime will foster a global village or a global

plantation. So far, U.S. trade negotiators have been successful in safeguarding capital rights—foreign investment, copyrights, and corporate prerogatives but unsuccessful in safeguarding people's rights—a living wage and decent working conditions, a safe environment, and a lift in the standard-of-living for our people as well as those from other lands. If America keeps its markets open while other global markets remain highly hurdled, we will continue to erode our middle-class standard-of-living and degrade the world's environment. America has a moral duty to assure that the global marketplace benefits everyone, not just those capital interests with the deepest pockets.

U.S. TRADE DEFICITS HAVE EXPLODED

Let us look for a moment at the ledger. For a century, America has been the world's leading trading nation. We still are. Whether the United States will lead the world in the next century is not the question. The question is where will we lead. Until the mid 1970's, U.S. trade accounts had been generally in balance. But over the last 20 years, particularly since, fast track has become a device to end run Congress, America has amassed enormous trade deficits that today lop one full point off of U.S. GDP, representing $1 trillion in lost income.

The pattern is familiar. Dole Pineapple, for example, closes down all its production in Hawaii, abandoning thousands of employees, moves its operations to low-wage havens such as Vietnam and Thailand where field workers are paid with three meals a day. Dole's female processing workers earn pennies an hour, and the pineapple they can is then shipped here to the United States for sale. All the while the price-per-can increases. Dole stock rises on Wall Street, but the workers on Hawaii's main street get pink slips, while the productive capacity of Hawaii is diminished. The story is the same whether it is a Japanese corporation such as Bandai, or Nike, or dozens of others who trade off people's sweat for money.

What we see is a handful of giant global firms, many with assets larger than nation states, who hold no national allegiance and gravitate to the lowest common denominator in wage scales. They are the ones who have the front row seats at the World Trade Organization in Geneva. They continue to monopolize the benefits of the current trade regime.

I can understand why these groups support fast track and other means to limit congressional debate and perusal of these vital agreements. What other measures that come before Congress are subject to after-midnight votes, Congress being held hostage, and such arm-twisting. Let me remind you these global firms have not created a single net new job here at home in the past quarter century. So isn't it time for us to take account of their ledger, and demystify it for the American people.

What has happened in the past 25 years is that the United States has become the residual importer for world markets that largely remain closed to us. The important figure is the net of exports minus imports. On this the United States has been the clear loser for over two decades.

The United States racked up a $170-billion trade deficit for 1996. Add this to the deficits of the previous 20 years and the trade debt represents $1.8 trillion of wealth transferred from the American people to foreign creditors—a massive loan from foreign countries which must eventually be repaid. Our trade deficit with China will surpass $40 billion this year; post-NAFTA, our surplus with Mexico has fallen to an $18-billion deficit; our annual $50-billion deficit with Japan remains intractable. In fact, for every country with which the United States has negotiated a fast-track agreement, our Nation has fallen into deficit. Since the United States hold a positive trade balance with Chile and the MERCOSUR nations, why rock the boat? Shouldn't Congress exercise its responsibility to correct that which is wrong with the current system before expanding it?

If the trade deficit keeps growing at this rate for another decade, the United States will essentially be paying the equivalent of 2.5 percent of our GDP in trade debt service—virtually all of the recent annual increase in the GDP! This means our people pedal harder but their bicycles still slip backward. Moreover, this continued hemorrhaging of U.S. jobs and industry hollows out our manufacturing and agricultural base. There is a difference between Wall Street's paper money and productive wealth.

If the United States does not take the initiative to modernize our trade policies at this historical moment at the dawn of the 21st century, I ask, what country will? Who will carry the burden to root our trade agreements in our fundamental national values, beginning with individual dignity and justice for all.

The ongoing fast-track debate has served to illuminate the deficiencies of oldstyle trade agreements. It cannot pass on its merits. The frantic wheeling and dealing by the White House and the Republican leadership that characterized the last 100 hours of the debate shows the opponents of fast track have already won a great moral and intellectual victory. So in a historic and troubling last-minute search for votes, every conceivable lure has been used to dangle in front of undecided members—Christmas tree provisions in appropriation bills, threats to take away Members' chairmanships, tax breaks for southern towns, bridges, roads through national forests, financial help in upcoming primary and general elections, trade preferences for sub-Saharan African nations, tobacco subsidy guarantees, wheat ad wine deals—you name it; it's on the table.

It my 15 years in Congress, this type of tawdry, unyielding pressure convinces me just how powerful the forces resisting change are. It also tells me how strong are the oaks in this Chamber who have stood against the wind. We have scored a real victory for the American people and light a roman candle for the dignity of working people everywhere.

DOES THE PRESIDENT NEED FAST TRACK?

This and preceding administrations have negotiated over 220 trade agreements without fast-track authority. The Uruguay round of the GATT proceeded for several years without fast track. The Clinton administration is currently negotiating a multilateral agreement on investment without fast-track authority. The United States-Israel Free Trade Agreement was negotiated without fast track. The President has constitutional authority to negotiate with other sovereign nations. The only reason the President needs fast track is so he doesn't have to seriously consult or negotiate with Congress.

Think about it. Without fast track, U.S. trade negotiators will be in a stronger position vis-á-vis our trading partners if they have to sell the deal to Congress. The suggestion that our trading partners won't deal with us without fast track is ludicrous. If President Clinton can say, "I want to do this, but Congress is insisting on inclusion of these provisions . . ." doesn't that strengthen his hand?

Congress certainly is capable of dealing with extremely complex legislation. Each year, we pass 13 highly complex appropriation measures, thousands of pages in length. Each year, we adopt a defense authorization bill thousands of pages in length. And hasn't Congress dealt with budget and tax measures thousands of pages in length, controlling hundreds of billions of dollars in spending and taxes?

MAKING IT THERE AND SELLING IT HERE

The United States represents about 4 percent of the world's population and enjoys about 22 percent of the world's products. To maintain our standard-of-living, it is argued, we have to sell to the other 96 percent of the world's population. But of the world's 6 billion potential consumers, 80 percent are only window shoppers, low-wage workers or subsistence farmers. Under the fast track agreements, we don't sell a net positive balance of consumer goods to other countries; we send capital and capital goods out of our country where goods are assembled by low-wage workers often employed for "hunger wages," and then re-exported back to the United States and sold here at high prices—U-turn goods. Mexico is the prime example. NAFTA assured that Mexico would become one of the primary low-wage export platforms to the United States market, presently surpassed only by China. Nearly 3,000 plants have located just south of the border and they are called "in-bond" plants. I agree; labor is held in bondage. Since NAFTA, the Mexican domestic market has shrunk but its export market, primarily to the United States, has expanded dramatically. This process keeps putting severe downward pressure on United States living standards. If Europe and Japan maintain positive trade balances with Mexico, why is it only the United States that keeps digging a hole of debt with Mexico deeper and deeper? And with China? And with Canada?

HEALTH, SAFETY AND DRUGS

What does a fast-tracked trade policy mean for the quality of American life? Danger. Since 1990, food-borne outbreaks in the United States from imported food have included: shigellosis from imported green onions; salmonella from imported cantaloupe and imported alfalfa seeds; cyclospora from imported raspberries; and cholera from imported coconut milk. In Michigan earlier this year, more than 200 cases of hepatitis A were associated with frozen strawberries imported from Mexico and illegally labeled as United States grown. Strawberries imported from Mexico were found to have an 18.4 percent violation rate for illegal levels of pesticides in 1993. A 47-count indictment was brought against a California firm for fraudulently labeling Mexican grown strawberries as United States grown. On May 29

the Centers for Disease Control reported that imported raspberries were the cause of a 1996 outbreak of hepatitis.

Yet inspection of produce for pesticides on imported food has been reduced. The absolute number of imported food sample inspections decreased from 6,463 in 1993, to 5,448 in 1994, and to 5,032 in 1995—a decrease of 28 percent over that period. Inspection of imported Mexican produce declined from 1,820 samples in 1993 to 1723 samples in 1995 even though imports doubled. The food provisions of NAFTA constrain food safety and agricultural disease and pest inspections. NAFTA specifically forbids imported food from being inspected at the border more thoroughly than the same domestic commodity.

Moreover, under NAFTA we have not just opened our southern border to unsafe food. We have thrown the door open for the importation of the illegal drugs that degrade and destroy our communities. Key provisions for cross-border trucking have been relaxed resulting in Mexico becoming the primary route for the importation of drugs into the United States. The vast majority of trucks entering the United States from Mexico enter without inspection.

During the closing moments of the NAFTA debate in 1993 when it was clear that our position was on the short end of the votes, we promised the American people during that singularly compelling moment here in the House that our fight would continue in the tomorrows to come—a fight against the narrow visions of the elites and Wall Street who would abandon those who work in our factories, on our farms, and on Main Street. We have continued valiantly in our efforts, and we can be proud as we vote here today. For it is in our hearts, that reside the truest principles of democracy, prosperity, and respect for ordinary people of extraordinary spirit. Our victory gives hope to those in our world who struggle for democracy, for labor rights, for human health and safety in the workplace, and for the right to speak out as we have spoken out today.

When the vote on GATT occurred, we said when that vote was over, it would not be over. Its consequences would be felt for years to come. As a result of the elections of 1994 and 1996, we have been joined by many new Members of Congress, on both sides of the aisle, who fought to be our new partners and in that fight to forge a new American responsible trade policy. These colleagues did not share our experience as we battled NAFTA in 1993 and GATT in 1994. But they have heard the will of the American people as they campaigned for the seats they now hold, and they have made the difference.

Out of these many battles in a long struggle has come a deep awareness on the part of the American people that trade and jobs are inextricably linked and that people matter more than profits. On the floor of this House, we not hear the voices of those who bear the pain of NAFTA, the indignities of GATT. We must now proceed to constructively fashion a trade policy that moves America and the world into an era of trade-linked advancement for people or ordinary means.

I said in 1993 and again in 1994 during the GATT debate—also scheduled after midnight during a lame duck session of Congress—that working people would remember those votes. I say again America's working families will remember this vote as well. Let history show it was here, together, in the people's House where the journey began to enshrine in trade laws the highest ideals of a free people. Let us inspire a world where the majority long for a better way of life along the path that leads, not back to the 19th century, but forward to the 21st.

HONORING JOSEPH SULTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor the work and achievements of Joseph Sultan.

Joe Sultan is a Brooklyn native who graduated from Abraham Lincoln High School in 1972. He attended the Cooper Union for the Advancement of Art & Science where he received his bachelor of architecture degree in 1976.

After graduation, he worked for such prestigious architectural firms as Davis Brody Associates, Giorgio Cavaglieri and Warren Gran & Associates.

In 1983, Joe established his own firm. Sultan Associates and in 1991 merged with Warren Gran & Associates to form Gran Sultan Associates. Together Joe and Warren Gran have completed numerous schools for the New York City School Construction Authority, four SRO's for mentally ill adults and many other commercial, residential, and institutional projects.

Joe is currently designing the home for the Long Island Children Museum and Crosby Commons, a 67-apartment assisted living residence for United Methodist Homes of Connecticut. He has taught construction technology at New York University as a visiting lecturer and his work has been featured in the national media. He and Warren have been named local heroes by Time magazine for their work in supportive housing.

Mr. Speaker, please join me in congratulating Mr. Joseph Sultan for all of his years of faithful service to his country and to the 10th Congressional District of Brooklyn, NY.

TRIBUTE TO JUDGE RICHARD T. FORD

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Judge Richard T. Ford upon his retirement on the U.S. Bankruptcy Court. Judge Ford's years of dedicated public and civic service have been instrumental throughout his career. His commitment to justice serves as a model for all Americans and should be held with the highest respect.

Richard T. Ford will retire early in 1998 as U.S. Bankruptcy Court judge. His retirement comes following his long-standing service in the community and in the courts. Upholding the values for improved practice and ethical standards, Judge Ford has been graced with an exceptional career as a lawyer and a counselor.

Judge Ford is a native to Fresno. He attended local public schools including Fresno State University. He has served his country in various capacities including time in the U.S. Army. Following his service in the Army, Judge Ford attended the Hastings College of Law.

After his legal education, Judge Ford return to Fresno area to work for the Fresno County District Attorney's Office. After his work for the district attorney, he practiced bankruptcy and insolvency law. He has served as a bankruptcy trustee and has administered thousands of bankruptcy cases over the years. Judge Ford began his service as a bankruptcy court judge on January 1, 1988.

Mr. Speaker, it is with great honor that I pay tribute to Richard T. Ford upon his retirement as a U.S. Bankruptcy Court judge. Judge Ford is a thoughtful, impartial, insightful, and thoroughly prepared judge. Litigants and counsel are treated with respect in his courtroom and are given full opportunity to be heard. I ask my colleagues to join me in wishing Judge Richard T. Ford the best of luck with the future.

RELIEVE THE TAX BURDEN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to share some thoughts about taxes. The tax burden on Americans is out of control and not being eased fast enough. As we debate the best way to give Americans much needed tax relief I urge my colleagues to consider the comments of a constituent of mine, Brandi Graham, of Fort Collins, CO.

In 1914 the United States was preparing to enter into the most mammoth war the world had ever seen. She was strapped for the necessary cash to fund the unprecedented development, training, and transport of troops and weaponry across the globe. It was inarguably the greatest financial challenge the growing nation had faced.

Congress took to radical measures. Among others, it enacted a temporary federal tax on income. It was a spirited debate that produced the 16th Amendment.

The first tax rate was a flat one percent of all income earned. An amendment was offered that would have capped the all-time federal tax rate at two percent. Unfortunately, the amendment was defeated. Many of the legislators wondered if allowing the federal government to tax individual income would be the slippery slope toward a government that would confiscate the earnings of its citizens. Tragically, their fears were to become realized.

In 1997, Americans worked through the month of May just to pay the tax collector. Only after June, did the Feds actually allow us to begin providing for our own families. In the hands of congressmen, the flat, one percent tax rate has become a cruel monstrosity

bearing all the modern trappings of "progressive" taxation, loopholes, and shelters.

The tax code itself contains over 1,000 pages and requires legions of accountants to comprehend. "Progressivity" has caused citizens who work harder to find inexplicably that they only have less take home pay because they have achieved a higher tax bracket. Others discover that their savings are taxed at higher rates, or that they pay more to the government now simply because they decided to marry.

The scramble to escape the clutches of the income tax has approached the absurd. Billionaires exchange U.S. citizenship for tax breaks and companies move their operations to countries offering less confiscatory ways of raising national revenue. Our system is a disaster beyond repair.

So what would the authors of the 16th Amendment do if they were in Washington today? Well assuming they could recover from the shock of seeing the Frankenstein-like mutation of their quaint little income tax plan, they would almost certainly call for tax relief. They would urge the elimination of the myriad of loopholes and write-offs. But such a lesson might better persuade them that the original dissenters were right: That *any* income tax allows for government repression of its people. They might opt for the old and proven way of funding the federal government.

Today, seemingly all Americans agree that the tax code is hideous except for those who make the laws. Politicians seem to like the power confirmed by the prodigious code. They seem to enjoy the contributions from interests seeking to tweak the tax laws here and there for their selfish advantage.

But the nation's true leaders are those who understand the history of American taxation. They understand how hard Americans work to pay their government's largess. They realize that our nation once did well to rely on national sales taxes (we called them tariffs then) to fund all government operations. And our best leaders recognize today that a nation which ventured beyond a national sales tax has become perpetrator of a sick irony, embracing the very precepts against which it once rebelled, denying the fruits of real liberty with an arrogance of royalty and all the while crushing its people under the weight of oppressive taxation.

Mr. Speaker, as we move forward in our quest to relieve the tax burden, let us keep these comments in mind. Taxpaying Americans desperately deserve to make their own decisions on how their hard-earned money should be spent.

A COMPACT FOR AMERICA'S FUTURE: SAVING SOCIAL SECURITY FOR OUR GRANDCHILDREN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. SMITH of Michigan. Mr. Speaker, a few months ago, I received a letter from one of my constituents, Betty Dowdling of Marshall, MI, urging me to continue working on preserving Social Security for future generations. "It is most certainly not fair to leave big debts for our children and grandchildren," she wrote. She's exactly right. The good news is that more and more people are coming around to Betty's point of view.

There has been a lot of talk in the last year about the future of Social Security. It is an issue that, in some way or another, affects every American, young and old. If you're currently working, you pay tax into Social Security—listed as FICA on your paycheck stub. And if you're retired, you probably regularly received a Social Security check.

When President Franklin Roosevelt enacted Social Security in 1935, it was meant to provide modest assistance to the Nation's most elderly—those over 65—paid for by the current work force. At that time, the system worked wonderfully. Most people never made it past the age of 61, and, as it worked out, about 42 workers contributed to the system for each retiree.

Today, Social Security is the Nation's largest budget expenditure. Thanks to advancing technology and improved health care, the average life expectancy for Americans is no longer 61, but a record 74. Instead of 42 workers paying taxes to support each retiree, there are now just three workers for each retiree. Instead of the old 1 percent payroll tax enacted in 1935, the tax is now 12.4 percent. In just the past 26 years, in fact, the payroll taxes all workers pay has been hiked 36 times—that is on average more than once a year. As the so-called baby boom generation starts to retire at the turn of the century, the ratio between workers and retirees will continue to get smaller and the propensity to increase taxes will continue to be greater. As early as 2005—less than 8 years from now—the Social Security trust fund will start spending more than it takes in. That is unless we take some action now to change the system.

Shortly, and with support from Democrats and Republicans, I intend to introduce a bill that would allow workers to use a portion of their current Social Security payroll tax for private investment. This bill would give you the option of investing your own earnings in stocks or bonds and with the guidance of a professional money manager, with potentially far greater returns than you would ever get in the current system. The average annual rate of return for stocks and bonds in the last 70 years has been 9 percent. That is almost five times the rate of return from Social Security. By allowing you to invest more of your money as you like—and your Social Security payroll tax after all is still your money—you could amass substantial savings.

Senator BOB KERREY, a Democrat from Nebraska who is also working on this problem, likes to tell the story about Gladys Holm. Ms. Holm was a secretary who in her whole life never earned more than $15,000 a year. When she died last year at 86, she was worth over $18 million. Her secret? She just put aside a little bit of money each month throughout her working life and put it in private investment. Through compound interest—and unusually wise investments—Gladys Holm had become a millionaire.

Though that example is probably atypical, we could do similar things with our Social Security system. By allowing private investment—as England does with great success—every American could actually have a strong safety net when they reach old age. Even better, the money you would invest and save would be your own—not the Government's. It is yours to invest, yours to spend, yours to pass on to your kids and grandkids or charities or whatever else you like. Private investment means more power to you.

If we enact these needed reforms, Social Security may finally create the retirement security President Franklin Roosevelt envisioned in 1935. This year, a Federal memorial opened in Washington honoring FDR. I think the better tribute to Roosevelt would be if we worked this year to preserve his most important legacy for his great-grandchildren, our great-grandchildren, and many generations to come.

"PAKISTAN SHOULD CONDUCT A FULL INVESTIGATION INTO THE MURDER OF UNION TEXAS PETROLEUM EMPLOYEES

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. GREEN. Mr. Speaker, earlier this morning, I was saddened to learn of the murder of four Americans in Pakistan who were employed by Houston-based Union Texas Petroleum. in addition, their Pakistani driver was also murdered. Although no direct link has been found, many suspect that this deliberate act of cold-hearted murder may be revenge for the murder conviction of a Pakistani in Virginia. I would like to express my heart-felt condolences to the families and friends of Ephraim Egbu, Joel Enlow, Larry Jennings and Tracy Ritchie. You are in our thoughts and prayers.

The murder of these courageous Americans is an outrage, and I call on the Pakistani Government to conduct a full and exhaustive investigation into this tragedy and to punish all those responsible. Justice delayed is, truly, justice denied. We must always remember, in the words of Dr. Martin Luther King, Jr., an injustice anywhere is an affront to justice everywhere.

This is a terrible and tragic loss. In Congress, we speak of the many tragedies that occur all over the world, especially to Americans. Although Americans continue to be at risk in many parts of the world, they faithfully carry out their duties and are not deterred by senseless instances, such as this one. The Union Texas employees stationed in Pakistan are no exception. Union Texas Petroleum has been active in exploring for, developing and producing oil and gas in Pakistan for over 20 years. The company has approximately 600 employees in Pakistan, 21 of whom are American citizens.

The management and employees of Union Texas have been leaders in supporting the communities in Pakistan where Union Texas operations exist and have funded the construction of numerous schools, colleges for young women and young men, medical clinics, and mosques, and have provided relief during natural disasters and other emergencies in Pakistan. Union Texas has been a good corporate citizen in Pakistan, and it is sad that such a needless and tragic event has been targeted at a company dedicated to sharing its resources with their host country.

This is a terrible loss for the families and friends of the victims, and for Union Texas.

CONCERN ABOUT FEDERAL SUBSIDIES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to share with you the thoughts of a fellow Coloradan who is concerned, like all of us, about Federal subsidies. As the proposal to privatize Amtrak proceeds, Mr. Scott Slusher of Colorado has composed sensible views on this subject which I now submit for the RECORD.

Congress is currently working to reauthorize the Intermodal Surface Transportation Efficiency Act which lays out the federal government's plan for the nation's transportation infrastructure. The legislation affects everything from highways and interstates to airports and waterways. One of the more contentious topics is the future of railroad policy and more specifically, Amtrak and passenger rail service.

On one side of the argument are train enthusiasts and boosters of the rail service, and on the other side are critics such as Sen. John McCain who argue it is time for the federal government to get out of the railroad business.

What is ignored is that the free market, individual citizens, and American industry have already made their choice. The truth is that the country's railroad industry can be divided into two parts—one healthy and competitive, the other perennially on the brink of bankruptcy. The privately owned and operated freight rail companies continue to make a substantial contribution to the nation's economy, and their future as a mode of freight transportation is secure well into the next century. On the other hand, passenger rail service, though heavily subsidized by the government, continues to lose passengers to faster and more cost-effective means of travel.

The numbers themselves make this contrast clear (statistics from 1993). Measured by the volume of freight transported, railroads accounted for 38.1 percent of domestic transport and were the number one method for transporting goods. Truck accounted for 28.1 percent of goods transported and were the second most common method of transporting freight. The private rail freight companies are clearly an essential part of our economy, and their continued success is a result of adapting to the modern economy and providing a competitive and cost effective service.

Passenger rail service, however, has been less successful. In 1993, intercity railways accounted for approximately 0.4 percent of the total number of passenger-miles traveled in the United States. Comparatively, private automobiles on the nation's highways and interstates accounted for 80.8 percent, and domestic air travel was responsible for 17.4 percent. Even intercity bus travel, with 1.1 percent, was more successful at attracting passengers.

The relative inability of Amtrak to attract passengers comes in spite of the $18 billion in subsidies the federal government has given the railroad since its creation in 1971. While the initial plan was for Amtrak to be self-supporting in two years, it has consistently lost money for the last 25, and as it is currently managed, is not expected to ever be profitable.

While there was a time in which intercity railways carried the bulk of people across the country, the advent of cheap, fast airline travel, and the construction of the vast interstate highway network, has given Americans many more choices. They have responded by relying on the convenience of their automobiles, or availing themselves of the ability to travel from coast-to-coast in a few hours, as opposed to a few days.

The relative measure of passenger miles bears this fact out, but it also points out an opportunity to strengthen the vibrant portion of the railway industry. By allowing private freight companies the freedom to compete without undue government interference, and by encouraging innovation in the railway freight industry, we can assure a place for America's railroads in the 21st century.

Clearly, passenger rail service will continue where it is economically viable. Capital assets could be sold to private companies all along the Northeast corridor between Boston and Baltimore. The commuter railroads in major urban centers would continue uninterrupted. However, spending scarce tax dollars on a service that the traveling public has rejected clearly must come to an end.

Mr. Speaker, as we continue the debate on the Federal funding of Amtrak I ask my colleagues to keep these comments in mind as we search for solutions.

PROVIDING RELIEF TO THE AMERICAN VICTIMS OF THE APRIL 1994 BLACK HAWK FRATRICIDE INCIDENT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. COLLINS. Mr. Speaker, on Monday, I introduced legislation that would equalize the treatment of United States and foreign personnel killed in the April 14, 1994, shootdown of two U.S. Army Black Hawk helicopters by two U.S. Air Force F–15 fighters over Iraq. Following the incident, U.S. Secretary of Defense William Perry found it inappropriate to compensate the families of the Americans who were killed in the tragedy citing the Feres doctrine—a legal principle denying compensation for death or injury incident to military service.

However, Secretary Perry provided payments of $100,000 to the families of each of the foreign nationals involved in the accident, in spite of the Feres doctrine. These voluntary payments, made under the Secretary's emergency and extraordinary expense authority were characterized as humanitarian gestures offered in recognition of the unique circumstances surrounding the incident.

It is time that we offer the same gesture to our own citizens who were involved. In the interest of fairness and justice, the law must be applied in an equal fashion. If it was appropriate to pay the foreign nationals involved, then it is also appropriate to pay the Americans. It is outrageous that the United States Government would treat British, French, and Turkish soldiers better than our own.

If enacted, H.R. 2986 will require the Secretary of the Treasury to make $100,000 payments to the families of each of the Americans killed in the April 1994 Black Hawk fratricide incident. I urge my colleagues to support our troops and families by supporting this important relief measure.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. KIND. Mr. Speaker, another week and still no campaign finance reform. We are now down to the final days before we adjourn for the year, if we don't take action now on campaign finance reform next year will be too late.

On Monday of this week, I spent the day on several university campuses in my district. I had an opportunity to meet with students who are concerned about a variety of issues, including student financial aid, the environment and their future job prospects. I was struck, however, by the feeling among students that their voice doesn't matter. They believe that the influence of money on the political process means only the rich and powerful special interests have access to Members of Congress. I have tried to do my part, through meetings like the ones I held Monday, to change that perception. But, we will not be able to completely change that image until we adopt comprehensive campaign finance reform.

These students represent the future. If we expect them to be the leaders in the next century, we must give them hope that they can make a difference. To achieve that goal we must pass campaign finance reform, and we must do it now.

Mr. Speaker, the people of western Wisconsin refuse to accept "no" as an answer. Please do not let them down, schedule a vote on campaign finance reform.

THE FURTHER POLITICIZATION OF THE NOBEL PEACE PRIZE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BEREUTER. Mr. Speaker, this Member hopes that his colleagues might read and they remember the following editorial from the October 11, 1997, edition of the Omaha World-Herald next month when the Nobel Peace Prize is formally awarded. It will be used as an unreasonable and irresponsible point of pressure or attack on the American use of landmines in the demilitarized zone on the Korean peninsula by both domestic and foreign critics.

[From the Omaha World-Herald, Oct. 11, 1997]

NOBEL DECISION RAISES QUESTION: WHAT ABOUT PEACE IN KOREA?

The Nobel committee awarded the Nobel Peace Prize to the international committee promoting a treaty to halt the use of anti-personnel land mines. A more appropriate recipient, in our opinion, would have been the

U.S. government for its 44 years of preventing war along the demilitarized zone that separates North and South Korea.

Mention of Korea is appropriate in connection with the Nobel committee's decision. By honoring the anti-mine campaign, the Nobel people have implicitly condemned one of the tools used by U.S. forces to prevent invasion or infiltration of South Korea by troops, saboteurs or assassins from the north.

President Clinton had asked treaty sponsors to exempt Korea, allowing the U.S. to sign the treaty and still maintain the option of using mines along the DMZ. When his request was refused, he said the United States could not sign the treaty.

So the awarding of this year's Nobel prize to the anti-mine campaign is a slap at Clinton, too, and a slap at the hundreds of thousands of American troops who have rotated through the U.S. divisions in Korea since the 1950s. (During part of that time, the head of the anti-mine committee, Jody Williams of Putney, Vt., was campaigning against U.S. efforts to keep Central America from going communist.)

The United States, of course, is not the cause of the land-mine problem to which Princess Diana called attention. She went to Angola and hugged children who had been maimed by exploding mines left over from that country's civil war.

U.S. forces don't scatter land mines at random, leaving them to be exploded years later by grazing animals or playing children. That's the behavior of terrorists, dictators and guerrilla groups. Iraqi military units. The Viet Cong. East African warlords. Balkan terrorists.

By contrast, America, like most other western nations, is pledged to follow the 1947 Geneva Convention, which requires armies to record the placement of mines and remove the devices when no longer needed.

The United States halted exports of land mines years ago, even to its allies. U.S.-made mines are manufactured to defuse themselves after a certain time, usually 60 days. Older mines in the U.S. inventory are being destroyed. Fewer mines are being used in Korea, although the United States wants to keep the right to use them.

In Korea, 35,000 U.S. troops augment the South Korean army in holding back the million-man army of the north. They guard a 487-square-mile demilitarized zone that stretches more than 100 miles through rugged mountains, steep valleys and forested hills.

Many times over the past four decades, infiltrators from the north have tried to slip across the DMZ into the south. Minefields stand in their way. Some people say that the United States must give up such defenses to persuade outlaw nations and terrorists not to scatter mines across the countryside. This argument fails to account for the fact that the United States is a superpower to which other nations, often by default, have entrusted certain responsibilities. Giving up a tool for carrying them out is more difficult for a superpower than for nations that have fewer international obligations.

Our suggestion that the United States receive a Nobel prize was only half-serious. The award is generally reserved for individuals and institutions.

In terms of contributions to the peace of the world, however, America's role on the Korean peninsula has few parallels. Because South Korea was kept out of a Soviet or Chinese orbit, democracy and free enterprise took root there. Because Japan didn't need to arm itself against a Soviet or Chinese threat based in South Korea, Japan emerged from its post-war recovery as a peaceful industrial democracy. Other nations around the Pacific rim took inspiration from the economic success of South Korea and Japan. Much of the region is now prosperous, noncommunist and free.

The careful use of mines played a role in that success. It's unfortunate that the anti-mine people will now have yet another forum, the Nobel ceremonies in December, from which to paint the U.S. position as irresponsible.

TWENTIETH ANNIVERSARY OF THE HOSPICE OF SAINT JOHN, LAKEWOOD, CO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. McINNIS. Mr. Speaker, it is a high honor and privilege to allow my colleagues to know of the wonderful work being done by the Hospice of Saint John in Lakewood, Colorado. Twenty years ago, in 1977, this program was founded by Fr. Paul von Lobkowitz, a priest of the Sovereign Order of Saint John of Jerusalem, Knights of Malta, to serve the sick and the dying. This month the Hospice of Saint John celebrates twenty years of caring. In those years its staff of professionals have cared for more than 12,000 dying patients and their families.

The Hospice of Saint John was only the second in-patient hospice program to be opened in the United States. It has stood the test of time in a medical environment that favors the bigger corporations. The Hospice of Saint John continues to be independently run and directed by the Order of Saint John of Jerusalem and its professed and lay members.

The Hospice of Saint John was the first hospice program in the state to provide care for AIDS patients when many other programs of the day refused to care for them. Today the Hospice's commitment to AIDS patients and their families and friends remains as strong as ever, as does its care for every one of its patients. Many of its patients include young men and women whose lives are cut short by ravaging diseases. In its twenty years the Hospice of Saint John has never turned away a single patient for a lack of financial means. Remarkably, it has never received a dime of Federal money other than Medicare and Medicaid funds.

This program is worthy of our collective recognition. For the past 20 years Fr. Paul and his staff at the Hospice of St. John have cared for those who we sometimes tend to forget. They have toiled in the trenches for all humanity. They deserve our respect and support and on this occasion of their 20 years of dedicated service to my State I ask you to join with me in saluting them and their service to us all.

AMERICA NEEDS THE PAYCHECK PROTECTION ACT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during a recent weekend of site visits, in the eastern Colorado congressional district I represent, a constituent approached me and posed a sensible question, "Why am I forced to contribute my hard-earned dollars to my union's political activities?" He went on to explain that for him, every paycheck includes a deduction for union dues. These dues pay for legal services and collective bargaining costs. Dues, he agrees, are useful to promote his trade. He has no problem with union dues so long as they are used for their intended purpose.

He objects, however, to the millions of dollars his union puts toward political causes he does not support and at the expense of thousands of union members like him. Most union members disagree with giving their wages to political activities because they are excluded in deciding how their money is spent.

Something needs to change.

In 1947 Congress passed the Labor-Management Relations Act, also known as the Taft-Hartley Act. This legislation prohibited so-called closed shop workplaces, where one could not be hired without first joining a union.

Calling the act a "slave labor bill," President Harry Truman vetoed the measure. Subsequently, Congress voted to override the veto, thereby enacting Taft-Hartley into law.

Convinced the bill would destroy the labor movement, union members felt justified in circumventing the legislation. Rather than require workers to join the union prior to employment, labor bosses instead required union membership after the worker was hired.

The Taft-Hartley Act challenged the unions' ability to maintain membership which no longer rested upon the utility of their collectivism, but upon the ability to lobby Congress. Thus, unions became proficient political machines.

Union bosses recruited and supported candidates who would pledge allegiance to the unions. In return for loyalty, unions produced money and manpower to aid political campaigns. The tactic proved decisive. For many years, Congress operated in lockstep with the unions.

Workers who opposed the unions' political antics turned to the Supreme Court. In 1988, the Court ruled in *Communications Workers* v. *Beck*, 487 U.S. 735, that nonunion members can only be required to pay for the costs of collective bargaining, contract administration, and grievance adjustment but not political activities. Unions made little effort to educate their members about *Beck*, and found ways to keep workers from exercising their *Beck* rights.

Today, many union members continue to pay for more than just collective bargaining. They are also paying for politics. During the 1996 congressional and Presidential campaigns, for example, labor unions spent more than $400 million on political activities. A recent poll indicated that 68 percent of union members are unaware of the *Beck* decision.

Testimony before Congress confirms the difficulty workers have had exercising their *Beck* rights. This past spring, worker after worker told Congress of the near-impossible task of actually recovering hard-earned wages.

Under current laws, the only way some union members can refuse contributions to political activities is to quit the union, which also means quitting their jobs and risking their livelihoods.

Saying "no" should not come at such a high price. That is why I introduced H.R. 2608, the Paycheck Protection Act. The Paycheck Protection Act protects workers who are forced to contribute to political activities by way of their union dues. The Paycheck Protection Act requires separate, prior, written, voluntary authorization before any money can be deducted from a wage earner's paycheck for political activity. By requiring prior approval, the wage-earner is given a choice. Furthermore, the bill applies to corporations just as it does unions.

More than one-third of the U.S. House is already cosponsoring the Paycheck Protection Act, and over 70 percent of working Americans express support for the Paycheck Protection Act. I believe we may finally have a chance to help American workers by protecting their paychecks.

TRIBUTE TO ROBERT PALMER INGRAM

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Ms. MCCARTHY of Missouri. Mr. Speaker, my colleague, Mr. DREIER, and I, rise today to pay tribute to the life of a man who has touched so many lives and who has contributed so much to our community: Mr. Robert Palmer Ingram.

We submit into the RECORD an article in honor of Mr. Ingram's memory and contributions as recounted by Diane Stafford in my hometown newspaper, the Kansas City Star:

Robert Palmer Ingram, an indefatigable salesman and civic leader, died Tuesday in his sleep at his Kansas City home. He was 80 years old.

Since arriving in Kansas City in the mid-1940s, Ingram founded or led more than a dozen companies, was a director of at least seven others, served as a trustee or a governor of six major civic or educational organizations, was an honorary consul to Belgium and held offices or memberships in many other clubs, councils and committees.

Fueled by his voracious reading, Ingram brought curiosity and wise counsel to wide-ranging endeavors. He shunned the spotlight but left a public imprint as the former owner and publisher of Ingram's, the Kansas City monthly business magazine that continues to carry his name.

To classical music lovers, Ingram was known as the man who poured millions of dollars into classical music radio station KXTR, keeping it on the air for years despite unprofitability. He also owned KBEA, which had a "Music of Your Life" format. He sold those properties in 1996.

Henry Bloch, co-founder of H&R Block Inc., said that many times through the years, including Monday, he saw Ingram eating lunch alone and reading at the River Club.

"I've known him for a long time, and I can say he did a lot for Kansas City—in real estate, with the radio stations and the magazines," Bloch said. "He was a very nice person."

Quick-thinking, quick-moving and often slightly disheveled, Ingram whirled his thin frame from meeting to meeting, wedging in reading and note scribbling whenever time would allow. He and his wife, Beth Ingram, at one time said they subscribed to as many as 150 periodicals.

"He slowed down recently, but he stayed so upbeat about Kansas City," said Mike Morrissey, past chairman of the Greater Kansas City Chamber of Commerce, who sometimes ate lunch with Ingram at the Kansas City Club. "He was very supportive of anything you ever wanted him to help you with. He and Beth were very generous in the Kansas City community, not only financially but with their time."

Former Kansas City Mayor Richard L. Berkley said he admired Ingram "for remaining active and participating in so many civic, cultural and political activities. . . . It was impressive to see him still come to the Civic Council meetings and other events he was involved in, even when you knew it was getting more difficult for him to move around."

Ingram's energy left a brick-and-mortar legacy for the city. One project, TenMain Center, a downtown redevelopment effort in the 1960s, nearly ruined his wealth and his health after the intended prime tenant (the Kansas City Board of Trade) and fellow investors pulled out.

Ingram stuck with the office tower project, though, and saw it through to fruition.

At one time he owned 10 downtown buildings but in later years retained ownership only of the Argyle Building, a renovated tower that housed the offices of Ingram Properties and his publishing enterprises.

Ingram eschewed many outward trappings of wealth but admitted a fascination with high society. Even in failing health in recent months, he attended a swirl of benefits and functions.

His interest in wealth and society, in part, led to his ownership of The Independent, the area's society journal.

The Lyric Opera of Kansas City was a major beneficiary of the Ingram's philanthropy since it founding in 1958. Ingram money turned the old theater library into a luxurious gathering space for benefactors.

Ingram largess also created a new music library for the Kansas City Symphony.

He was born in Norfolk, Va., and grew up in a suburb of Pittsburgh, where, he said, he began selling door to door "anything he could" by age 8.

By age 10 he was following the stock market and buying his first stocks. And by age 12, he grandly noted later, he had learned to use rejection as a spur to do better.

He studied journalism at Washington and Lee University and at the University of Pittsburgh but left college without getting a degree because, he later said, he thought he needed a job more than he needed more education.

His first job was in sales at Anchor Hocking Glass Co. The company dispatched him to Pennsylvania, Ohio, Kentucky, Michigan and back to Pennsylvania before sending him to Kansas City.

He decided to plant roots and in 1947 founded Robert P. Ingram & Co., an independent manufacturers' representative specializing in housewares and toys. Soon thereafter, he met and married Beth (Mary Elizabeth Renfro).

The Ingrams had two children, Marsha Jill Ingram Reynolds and Robert Palmer (Chip) Ingram III, both of whom live in the Kansas City area. There are four grandchildren.

Always spurred by the desire to do civic good, Ingram sometimes was thwarted. In the 1960s, for example, he was part of an investor group that was outbid by Charles O. Finley to buy the Kansas City Athletics baseball team.

In the 1970s he was unsuccessful in working for an ice hockey and convention center downtown.

On balance, Ingram's successes predominated. From operating the locker concession at Kansas City International Airport to becoming a major investor and director of Rubbermaid, Ingram earned notice for his entrepreneurship and intelligence.

"There are very few things in life that have given me the same pleasure I have received from starting and growing businesses," Ingram said in a promotional ad for Ingram's not long before his death.

Always, he told interviewers, he considered himself a salesman. In any setting Ingram might be seen thumbing through a wad of business cards, searching for the appropriate one among his many interests and passing it out to a prospective customer.

Ingram's sales acumen was acknowledged in 1969, when he received the Salesman of the Year award from the Advertising and Sales Executive Club of Kansas City.

In recent years Ingram made a few concessions to age. Once prone to getting speeding tickets, he hired a driver to shuttle him from appointment to appointment.

But despite increased frailty, he took pride in working in his office from 8:30 a.m. to 4:30 p.m. Every Monday through Friday he was in Kansas City, said Marie Brown, his executive assistant.

In recent years he and his wife split time between their residence in The Walnuts, near the Country Club Plaza, and their condo in Palm Beach, Fla. They also had an apartment in New York.

A lifelong Republican, Ingram relished his 1969 appointment by Richard Nixon as metro chairman of the National Alliance of Businessmen. He also was a member of the Points of Light Foundation.

A roundup of Ingram's business presidencies in addition to Robert P. Ingram & Co. includes Ingram Investment Co., Lasalle Leasing Co., KBEA Broadcasting Co., KXTR Broadcasting Co., Kansas City Bus Advertising Co., Security Locker Co., TenMain Center, Dow Research, Econo-Car Rental and the Argyle Building Co.

He was chairman of Ingram Media, Custom Publishing by Ingram's and Ingram Properties.

He was publisher emeritus of The Independent and the former publisher of Ingram's and its predecessor, Corporate Report/Kansas City magazine. He sold Ingram's this year.

He was a past director of Rubbermaid, Harzfelds, Gilbert/Robinson, Baltimore Bank & Trust Co. of Kansas City, American Cablevision of Kansas City and Country Club Bank.

At the time of his death he was a director of FLM Industries and the Housing Development Corporation and Information Center in Kansas City.

On the civic scene, Ingram's participation was wide and deep.

He was trustee of the University of Missouri-Kansas City, the UMKC Conservatory of Music and Midwest Research Institute.

He was on the board of governors of the Straight Theatre Association, the American Royal Association and the Urban League of Kansas City.

He was a member of the business council of the Nelson-Atkins Museum of Art and the museum's Society of Fellows.

He was a member of the Lyric Opera Guild, the Fine Arts Guild of William Jewell College and the Friends of the Kansas City Symphony.

He was a member and director of the Civic Council of Greater Kansas City.

He was a past president of the Chamber of Commerce of Greater Kansas City and Downtown Inc.

Ingram was appointed to two significant public-service commissions in the late 1960s. He was one of five men on a six-month commission to study civil disorders in Kansas City in 1968, and a year later he accepted an appointment to the Capital Requirements for Public Schools Committee for the Kansas City School District.

He held memberships in the 711 Club, the Man of the Month Fraternity, Alliance Francaise, the Friends of Vielles Maisons Francaises, the Carriage Club, the Kansas City Club, the Vanguard Club and BENS.

Friends and family attended his funeral on October 24th at Country Club Christian Church, 6101 Ward Parkway.