

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE
 JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS
 BILL, FISCAL YEAR 1997

JULY 16, 1996.—Committed to the Committee of the Whole House on the State of
 the Union and ordered to be printed

Mr. ROGERS, from the Committee on Appropriations,
 submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 3814]

The Committee on Appropriations submits the following report in
 explanation of the accompanying bill making appropriations for the
 Departments of Commerce, Justice, and State, the Judiciary, and
 related agencies for the fiscal year ending September 30, 1997.

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SUMMARY OF ESTIMATES AND RECOMMENDATIONS

The budget estimates for the departments and agencies included in the accompanying bill are contained in the Budget of the United States for 1997 submitted on March 18, 1996 (H. Doc. 104–162), budget amendments submitted on April 15, 1996 (H. Doc. 104–193) and June 7, 1996 (H. Doc. 104–229) and July 10, 1996 (H. Doc. 104–244), and in a letter of transmittal from the State Justice Institute (dated March 7, 1996). This organization has the authority to transmit its budget directly to the Congress.

The Committee recommends a total of \$24,466,270,000 in general purpose discretionary budget authority for the departments and agencies funded in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for fiscal year 1997, and \$4,524,918,000 in discretionary budget authority from the Violent Crime Reduction Trust Fund for the Department of Justice and the Judiciary. The Committee also recommends \$521,524,000 for mandatory programs funded within this bill.

For general purpose discretionary programs, the Committee recommendation is \$2,142,119,000 below the President's budget request. It is \$1,127,050,000 above the amounts enacted for the current fiscal year. The entire amount of this increase has been provided for programs in the Department of Justice and the Judiciary to annualize the increases provided in fiscal year 1996 and to fund key initiatives in law enforcement, the war on drugs, juvenile crime and control of our borders. Even with this increase over the current year, discretionary spending remains below the level enacted in the

fiscal year 1995 Commerce, Justice, State and Judiciary appropriations bill.

For Violent Crime Reduction Trust Fund programs, the Committee recommendation provides \$4,524,918,000, which is \$304,340,000 below the budget request and \$568,969,000 above the amounts provided in the current fiscal year. Funding is below the budget request because the Budget Resolution Conference Report for fiscal year 1997 capped the Violent Crime Reduction Trust Fund below the level assumed in the budget request, and provided discretionary funds in place of the Trust Fund resources. As a result, programs that would otherwise have been funded under the Crime Trust Fund at the higher level have instead been funded with the increases provided in discretionary budget authority.

The Committee recommendation is within the Committee's section 602(b) allocation for the departments and agencies funded within the accompanying bill. The section 602(b) allocations for discretionary programs are \$24,493,000,000 in budget authority and \$24,939,000,000 in outlays, of which \$235,000,000 in budget authority and \$209,000,000 in outlays are for defense (050) programs. The 602(b) allocations for the Violent Crime Reduction Trust Fund are \$4,525,000,000 in budget authority and \$2,951,000,000 in outlays.

The Committee was faced with extremely difficult decisions in determining the funding levels for the various programs funded in this bill. In order to annualize and sustain the level of effort provided in fiscal year 1996, law enforcement and Justice programs required an increase of approximately \$1,000,000,000. In order to fund needed initiatives in the areas of law enforcement, drugs, juvenile crime and immigration as well as maintain the ability of the Federal court system to respond to its increasing workload, it has been necessary to scrutinize all other parts of the bill. In total, spending in the remaining titles for the Departments of Commerce, the State Department and related agencies has been reduced, and nearly every program is either funded below, in many cases significantly below, or at the same level as in the current fiscal year. In this regard, the Committee bill has prioritized by providing, and even increasing, funding for the highest priority programs involving law enforcement, and reducing, and in a number of cases terminating, low priority programs.

The following table provides a comparison of the new budget authority and outlays recommended in the accompanying bill with the amounts appropriated for fiscal year 1996, and with the budget request for fiscal year 1997:

[In millions of dollars]

	1996 enacted	1997 request	1997 recommended	1997 recommendation compared with	
				1996 enacted	1997 request
Discretionary	23,338	26,608	24,466	+1,128	-2,142
Violent Crime Reduction Trust Fund	3,956	4,829	4,525	+569	-304
Mandatory	506	522	522	+16	.....
Total	27,800	31,959	29,513	+1,713	-2,446

HIGHLIGHTS OF THE BILL

Major initiatives and highlights of the bill contained in the Committee recommendations follow:

DEPARTMENT OF JUSTICE

[In millions of dollars]

	1996 enacted	1997 request	1997 recommended	1997 recommendation compared with	
				1996 enacted	1997 request
Title I—Department of Justice:					
Discretionary	10,618	11,700	11,677	+1,059	– 23
Violent Crime Reduction Trust Fund	3,926	4,785	4,495	+569	– 290

—Over \$7.1 billion for drug enforcement initiatives to restart the war on drugs, including a \$167 million increase—21 percent—for the Drug Enforcement Administration, which is \$20 million more than requested by the Administration. This includes a new \$75 million initiative targeted at source countries, restoring successful international drug efforts to 1992 levels, and a \$56 million initiative to stop drug trafficking on the Southwest border.

—Over \$2.8 billion, a \$468 million increase, to enforce our immigration laws by adding 1,100 new border patrol agents and 2,700 more detention beds to ensure the deportation of illegal aliens residing in the United States. This includes a \$443 million increase for the Immigration and Naturalization Service, which is \$30 million more than requested by the Administration, including 400 more border patrol agents and 2,000 more detention beds. Also included is \$500 million to reimburse States for the incarceration of illegal aliens.

—A \$144 million increase to implement the Antiterrorism and Effective Death Penalty Act of 1996, including \$100 million for the FBI, \$15 million for INS and U.S. Attorneys, \$20 million from the Local Law Enforcement Block Grant for National Institute of Justice technology programs, and \$9 million for the Counterterrorism Fund.

—Over \$4.0 billion for State and local law enforcement assistance and juvenile justice programs, including \$1.4 billion for Community Policing, \$571 million for the Local Law Enforcement Block Grant, \$680 million for State Prison Grants, and \$197.5 million for Violence Against Women Act programs.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

[In millions of dollars]

	1996 enacted	1997 request	1997 recommended	1997 recommendation compared with	
				1996 enacted	1997 request
Title II—Department of Commerce and Related Agencies:					
Discretionary	3,689	4,326	3,570	– 119	– 756

—\$3.57 billion for the Department of Commerce and related agencies, a reduction of \$756 million below the request and \$119 million below the fiscal year 1996 appropriation level, continuing

initiatives begun last year to downsize and refocus the Commerce Department on its basic functions, including trade promotion, basic research, and public safety, resulting in a 17 percent decrease in the Department from the fiscal year 1995 level.

—Provides funding for almost every Commerce Department agency at or below its current funding level, and continues efforts to streamline and privatize functions, including the NOAA Commissioned Corps and the NOAA fleet.

THE JUDICIARY

(In millions of dollars)

	1996 enacted	1997 request	1997 recommended	1997 recommendation compared with	
				1996 enacted	1997 request
Title III—The Judiciary:					
Discretionary	2,761	3,178	2,940	+179	–237
Violent Crime Reduction Trust Fund	30	35	30	.....	–5

—Nearly \$3 billion for the discretionary and Crime Trust Fund programs of the Federal Judiciary, a 6.4 percent increase above the fiscal year 1996 appropriation level, to allow the Courts to keep up with their increasing workload. This increase is consistent with the increases provided for Federal law enforcement agencies funded in this bill, as part of the bill's priority on bringing the full force of the law to bear on crime, drugs, and illegal immigration.

DEPARTMENT OF STATE, USIA AND ARMS CONTROL

(In millions of dollars)

	1996 enacted	1997 request	1997 recommended	1997 recommendation compared with	
				1996 enacted	1997 request
Title IV—Department of State and Related Agencies:					
Discretionary	4,966	6,062	4,837	–129	–1,225

—\$4.8 billion for programs funded by State, United States Information Agency and the Arms Control and Disarmament Agency appropriations, a reduction of \$129 million below the current fiscal year, and \$1.2 billion below the request, conforming international spending to budget realities. Nearly every account has been frozen or reduced below the current level.

RELATED AGENCIES

(In millions of dollars)

	1996 enacted	1997 request	1997 recommended	1997 recommendation compared with	
				1996 enacted	1997 request
Title V—Related Agencies:					
Discretionary	1,586	2,199	1,425	–161	–774
Violent Crime Reduction Trust Fund .....	.....	9	.....	.....	–9

—\$1.4 billion for the related agencies funded in the bill, a reduction of \$783 million from the request, and \$161 million below the

fiscal year 1996 appropriated level, preserving core agencies and functions while reducing or eliminating low priority agencies to conform spending with fiscal realities.

—Eliminates all funding for duplicative or low priority agencies, such as the Competitiveness Policy Council and the Ounce of Prevention Council.

—Provides \$691 million for the Small Business Administration, a reduction of \$217 million from the request, and \$2 million above the fiscal year 1996 appropriation, preserving the core programs to assist small business while reducing costs to the taxpayer.

REPROGRAMMINGS, REORGANIZATIONS, AND RELOCATIONS

The House and Senate reports accompanying the appropriations bills for the Departments of Commerce, Justice, and State, the Judiciary, and the Related Agencies for several years have contained language concerning the reprogramming of funds between programs or activities. This matter is addressed in section 605 of the General Provisions contained in the accompanying bill.

The Committee expects each department and agency to follow closely the reprogramming procedures listed below which are the same as provisions that applied in statute during fiscal year 1996. These procedures apply to funds provided under this Act, or provided under previous Appropriations Acts that remain available for obligation or expenditure in fiscal year 1997 or provided through the collection of fees to the agencies funded by this Act.

The Committee desires and expects that the Chairman of the Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies will be notified by letter a minimum of 15 days prior to—

(1) Reprogramming of funds, whether permanent or temporary, in excess of \$500,000 or 10 percent, whichever is less, between programs or activities. This provision is also applicable in cases where several activities are involved with each receiving less than \$500,000. In addition, the Committee desires to be notified of reprogramming actions which are less than these amounts if such actions would have the effect of committing the agency to significant funding requirements in future years.

(2) Increasing funds or personnel by any means for any project or activity for which funds have been denied or restricted.

(3) Creating new programs, offices, agencies or commissions or substantial augmentation of existing programs, offices, agencies or commissions.

(4) Relocating offices or employees.

(5) Reorganizing offices, programs, or activities.

(6) Opening or closing offices that were not requested and provided for, that would either add or diminish an activity in a particular location.

In addition, the Committee desires and expects any department or agency funded in the accompanying bill which is planning to conduct a reduction-in-force to notify the Committee by letter 30 days in advance of the date of the proposed personnel action.

The Committee also expects that any items which are subject to interpretation will be reported.

The Committee is concerned that in some instances, the department or agencies funded within this Appropriations Act are not adhering to the Committee's reprogramming policy and procedures which are set forth in this report and in section 605 of the accompanying bill. The Committee expects each department and agency funded in the bill to follow these notification policies precisely and not reallocate resources or reorganize activities prior to submitting the required notifications to the Committee. The Committee has provided each of the departments, the Judiciary, and the United States Information Agency with transfer authority, which is the same as the transfer authority provided in the fiscal year 1996 Appropriations Act. The Committee believes such authority, together with the traditional reprogramming policy, gives each department, the Judiciary, and the United States Information Agency the needed discretion to respond to unanticipated circumstances and requirements which may arise throughout the fiscal year.

RELATIONSHIP WITH BUDGET AND COMPTROLLER'S OFFICES

Through the years, the Appropriations Committee has channeled most of its inquiries and requests for information and assistance through the budget offices or comptroller organizations of the various departments, agencies, commissions and the Judiciary. The Committee has often pointed out the natural affinity and relationship between these organizations and the Appropriations Committee which makes such a relationship imperative. The Committee reiterates its position that, while it always reserves the right to call upon all organizations in the departments, agencies, commissions and the Judiciary for information and assistance, the primary conjunction between the Committee and these entities must be through the budget office and comptroller organizations.

The Committee appreciates all of the assistance received from each of the departments, agencies, commissions and the Judiciary during this past year. The workload generated in the budget process is large and growing, and therefore, a positive, responsive relationship between the Committee and the budget and/or comptroller offices is absolutely essential to the appropriations process of the United States Government.

STAFFING AND OPERATIONS OUTSIDE OF THE U.S.

The Committee remains concerned that there does not yet appear to be any systematic control over the size and growth of Federal department and agency presence outside of the U.S., raising the likelihood that resources are being misallocated. The Committee, in conjunction with the Administration, has begun a number of initiatives to improve the situation, including the overseas staffing model for the State Department, and the new International Cooperative Administrative Support Services system, to better allocate costs of overseas presence to each agency, in order to make the decision to assign personnel overseas based on true cost. The Committee has addressed other areas of concern in this report.

This concern is due in large part to the cost implications. It costs two to three times as much to maintain an employee outside of the U.S. as it does within the U.S. It is clear that rationalizing and

systematizing staffing and operations in foreign countries has the potential for large budgetary savings.

The Committee wishes to make it clear that any expansion of staffing or presence overseas is to be brought to the attention of the Committee at the outset of the planning process, well in advance of the proposed use of any funds appropriated in this Act, or any prior or subsequent appropriations Act, preferably through the annual budget submission, and as a last resort through the re-programming process. The Committee remains intent upon finding the proper way to assure control of the deployment of personnel and resources outside of the U.S.

TITLE I—DEPARTMENT OF JUSTICE

The Committee recommends \$16,306,129,000 in new budget (obligational) authority in the accompanying bill for the Department of Justice for fiscal year 1997. This amount is \$1,645,908,000 more than the appropriation for the current year, and is \$312,963,000 below the budget request for fiscal year 1997. Of the total amount provided \$11,677,383,000 is derived from general purpose discretionary funds, which represents an increase of \$1,059,469,000 above the current year, and almost the entire increase in discretionary spending provided under the Subcommittee's 602(b) allocation. The remaining \$4,494,918,000 is derived from the Violent Crime Reduction Trust Fund, which is an increase of \$568,969,000 in spending from the Trust Fund over the current year, and represents the entire increase in Violent Crime Reduction Trust Fund resources provided to the Subcommittee.

The Committee recommendation for the Department of Justice reflects the continuing commitment of the Congress to provide resources for the Nations' top domestic priority—fighting crime. The recommendation will have provided for a 33 percent increase for Department of Justice programs over the past two years, including an unprecedented 46 percent increase for INS to stop illegal immigration, a 27 percent increase for the DEA to fight the war on drugs, a 20 percent increase for the FBI to fight violent crime and terrorism, and a 68 percent increase in funding to assist State and local law enforcement who are fighting crime on the front lines, in our communities and schools. The Congress has done its part to dedicate resources, during a time of severe fiscal constraint, to the Department of Justice. But despite the Committee's emphasis on providing resources and despite the importance of the problems of crime, drugs and illegal immigration, the Department of Justice has failed to use these resources for the intended purposes in the following ways: (1) the FBI and DEA have still not hired the agents and support staff provided in 1995; (2) critical law enforcement systems such as NCIC 2000 and the Integrated Automated Fingerprint Identification System (IAFIS) are not complete and are significantly over budget; (3) INS has not removed illegal aliens residing in the United States at rates promised, thereby having little, if any impact on the population levels of illegal aliens living here; (4) and funding to combat domestic violence—Violence Against Women Grants—to this day are not in the hands of State and local organizations that are prepared to address this problem. The Committee finds this unacceptable and expects that serious attention be

given to the management of these resources to provide the needed staff, critical systems and funding to law enforcement that is vital to addressing the crime and drug problem.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The Committee recommends a total of \$71,493,000 for General Administration for fiscal year 1997. This amount is \$2,688,000 less than the current year appropriation, and is \$11,763,000 below the request.

This account funds the development of policy objectives and the overall management of the Department of Justice. The Committee recommendation includes funding at the current year level for these activities and eliminates funding for the Office of the Associate Attorney General as proposed by both the House-passed and Senate-passed Budget Resolutions. In addition, the Committee recommendation includes \$2,211,000 for additional staffing for the Office of Professional Responsibility for investigations of allegations of attorney misconduct.

The Committee recommendation also includes a reduction of \$5,000,000, as requested, in resources provided in fiscal year 1996 for Departmental management and financial oversight of the Immigration and Naturalization Service.

The Committee recommends bill language, similar to language included in fiscal year 1996, that specifies the amount of funding provided for Department Leadership and Executive Support programs. The Committee is concerned that the Department of Justice has continued to increase staffing for the Office of Legislative Affairs at the expense of management and oversight of Department of Justice programs, and at a time when all other programs under General Administration have been operating at a freeze level to ensure that scarce resources are targeted to direct crime-fighting activities. Furthermore, the increase for the Office of Legislative Affairs has been in spite of an objection early in fiscal year 1996 to a reorganization proposal for this office which would have increased this office by over 38 percent, in contradiction to levels provided in the 1996 appropriation. Therefore, the Committee intends that the amount provided for the Department Leadership and Executive Support programs in fiscal year 1997 be allocated as follows:

	Positions	FTE	Thousands
Department Leadership:			
Attorney General	14	15	\$3,377
Deputy Attorney General	29	29	4,100
Total	43	44	7,477
Executive Support:			
Policy Development	35	41	4,652
Public Affairs	15	20	1,831
Legislative Affairs	21	24	2,504
Total	71	85	8,987

The Committee recommendation does not include \$3,200,000 under this account and \$11,924,000 under the Office of the Inspector General for the preparation and audit of Department-wide financial statements required under the Government Management Reform Act of 1994. The Department of Justice Appropriations Act for 1992 (Public Law 102-140) provided the Department of Justice with authority to retain up to four percent of the total income from the Working Capital Fund. These retained earnings were authorized to be used "for the improvement and implementation of the Department's financial management" systems among other purposes. The Committee understands that an underlying purpose of the Government Management and Reform Act of 1994 and the Chief Financial Officer's Act of 1990 is to improve, long-term, the Departments and Agencies financial management systems through the preparation and audit of financial statements. The Committee therefore directs that the General Manager of the Department's Working Capital Fund (WCF) use the retained earnings available in fiscal year 1997 to cover the necessary costs for preparation and audit of financial statements for those appropriation accounts within the Department of Justice which are regular customers of the WCF. The Committee notes that the Department of Justice currently prepares and audits financial statements for "commercial-like" programs and trust funds and expects this effort to continue to be funded with base funds.

The Committee also recommends bill language, as included in previous fiscal years, making up to \$3,317,000 of this appropriation available until expended for the Facilities Program 2000.

COUNTERTERRORISM FUND

The Committee recommends \$9,450,000 for the Counterterrorism Fund which was established in the 1995 Supplemental Appropriation for Oklahoma City. This Fund is under the control and direction of the Attorney General to: (1) cover the extraordinary and contingency costs that have occurred and are expected to occur as a result of the Oklahoma City bombing; and (2) to cover costs related to any potential or actual future domestic or international terrorist act.

The amount recommended, when added to the \$12,982,000 likely to be available at the end of fiscal year 1996, will provide a balance of \$22,432,000 remaining in this Fund for fiscal year 1997 to cover any expenses that may be necessary as a result of terrorist incidents or to engage in planning, and the execution of plans, related to upcoming significant events which offer the potential of being targeted.

The Committee encourages the Attorney General to use funds available to support preparation of firefighters and public safety officers for responding to terrorist incidents.

The Attorney General is required to notify the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act, prior to the obligation of any funds from this account.

ADMINISTRATIVE REVIEW AND APPEALS

The Committee recommends funding of \$112,000,000 for Administrative Review and Appeals for fiscal year 1997, of which \$48,000,000 is provided from the Violent Crime Reduction Trust Fund. This account funds: (1) the Executive Office for Immigration Review (EOIR), which includes the Board of Immigration Appeals, Immigration Judges, and Administrative Law Judges who decide through administrative hearings whether to admit or exclude aliens seeking to enter the country, and whether to deport or adjust the status of aliens whose status has been challenged; and (2) the Office of the Pardon Attorney which receives, investigates and considers petitions for all forms of Executive clemency. Of the total amount provided, the Committee has included \$110,519,000 for the EOIR and \$1,481,000 for the Office of the Pardon Attorney.

Immigration Initiatives.—The Committee recommendation includes an increase of \$25,267,000 for EOIR, which represents a 30 percent increase over the current year appropriation. This increase fully supports the additional judges, attorneys and support positions provided in the current year for immigration reform initiatives and provides \$6,496,000 for 24 additional immigration judges for border control and removal of criminal and non-criminal aliens, \$6,000,000 for ADP systems modernization and \$1,900,000 for 20 additional attorneys for the Board of Immigration Appeals.

OFFICE OF INSPECTOR GENERAL

The Committee recommends \$31,960,000 for the Office of Inspector General for fiscal year 1997. This amount is \$19,989,000 below the request and \$3,000,000 above the amount provided in the current year appropriation.

The Committee recommendation does not include the requested transfer of \$5,000,000 from the General Administration appropriation for additional audits of the Immigration and Naturalization Service. However, the Committee has provided a transfer of \$1,000,000 from the INS appropriation to the Office of the Inspector General to support increased audits and investigations of INS. The Committee recommendation assumes that the Inspector General will continue to receive full reimbursement for services provided to the U.S. Trustees, the Environmental Protection Agency and for audits of the various non-appropriated accounts administered by the Department. The Committee expects that to the extent audits, inspections or investigations are planned for non-appropriated accounts of the INS, subject to the reprogramming requirements of section 605 of this Act, the Inspector General may be reimbursed from these accounts.

The Committee recommendation does not include \$11,924,000 for the audit of Department-wide financial statements required under the Government Management Reform Act of 1994. As mentioned under the General Administration appropriation, the Committee expects that retained earnings from the Working Capital Fund (WCF) will be available in fiscal year 1997 to cover the necessary costs for preparation and audit of financial statements for those appropriation accounts within the Department of Justice which are regular customers of the WCF. The Committee notes that the De-

partment of Justice currently prepares and audits financial statements for “commercial-like” programs and trust funds and expects this effort to continue to be funded with base funds.

The Committee also recommends bill language, similar to that included in previous fiscal years, which makes: (1) up to \$10,000 of this appropriation available for emergencies of a confidential manner; and (2) funds available for the acquisition of motor vehicles.

U.S. PAROLE COMMISSION

SALARIES AND EXPENSES

The Committee recommends \$4,490,000 for the Parole Commission for fiscal year 1997. This amount is \$956,000 less than the current year appropriation, and is \$711,000 below the request.

This Commission is an independent body within the Department of Justice which makes decisions regarding requests for parole and supervision of Federal prisoners. As a result of legislation that established sentencing guidelines, the Parole Commission is scheduled to terminate by November 1, 1997. The Committee’s recommendation assumes that the Commission’s staff will be reduced by one-third from the current staffing level consistent with the continued phase-down of the Commission and its related workload.

LEGAL ACTIVITIES

GENERAL LEGAL ACTIVITIES

The Committee recommends a total of \$428,543,000 for General Legal Activities for fiscal year 1997, of which \$7,750,000 is provided from the Violent Crime Reduction Trust Fund. The total amount recommended is \$7,023,000 more than the current year appropriation, and \$29,484,000 less than the request.

This appropriation supports the Attorney General through the establishment of litigation policy, conduct of litigation, and various other legal responsibilities, through the Office of the Solicitor General, the Tax Division, the Criminal Division, the Civil Division, the Environmental and Natural Resources Division, the Office of Legal Counsel, the Civil Rights Division, INTERPOL—U.S. National Central Bureau, and the Office of Special Counsel for Immigration Related Unfair Employment Practices.

The Committee recommendation assumes funding at the 1996 level and provides pay and inflation increases and restoration of base reductions for the Criminal Division. In addition, \$7,750,000 is recommended from the Violent Crime Reduction Trust Fund to support the full cost of attorneys and support staff for the Civil Division’s Office of Immigration Litigation for asylum activities.

The Committee also recommends bill language, similar to that included in previous fiscal years, which: (1) allows up to \$20,000 for expenses of collecting evidence; (2) makes up to \$10,000,000 for litigation support contracts available until expended; (3) makes up to \$17,525,000 for office automation systems available until expended; (4) makes up to \$1,000 available to the U.S. National Central Bureau—INTERPOL for reception and representation ex-

penses; and (5) allows acceptance of gifts for hosting the 1997 INTERPOL regional conference.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The Committee recommends a reimbursement of \$4,028,000 for fiscal year 1997 from the Vaccine Injury Compensation Trust Fund to cover Justice Department expenses associated with litigating cases under the National Childhood Vaccine Injury Act of 1986. This level represents the same level of funding as provided in the current year appropriation.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The Committee recommendation assumes a total of \$84,336,000 in budget (obligational) authority for the Antitrust Division for fiscal year 1997, the full amount requested and \$738,000 below the current year. Of this amount, \$58,905,000 will be derived from anticipated fee collections in fiscal year 1997, and \$7,889,000 will be derived from unobligated fiscal year 1996 fee collections, resulting in a net direct appropriation of \$17,542,000. The Committee notes that any use of remaining unobligated fee collections from the prior year are subject to the reprogramming requirements outlined in section 605 of this Act.

This Division acts on antitrust cases before the Supreme Court, represents the interests of the United States in cases brought under Federal antitrust laws, reviews decisions of regulatory commissions, and prepares and files amicus curiae briefs.

The recommendation includes bill language for the Antitrust Division, similar to that included in previous fiscal years, which: (1) allows \$58,905,000 in fees to be credited to this account; (2) reduces appropriated funds as fees are collected; and (3) makes fees in excess of \$58,905,000 available until expended in fiscal year 1998.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The Committee recommends a total of \$974,905,000 for the U.S. Attorneys for fiscal year 1997, of which \$43,876,000 is provided from the Violent Crime Reduction Trust Fund. The total amount provided is an increase of \$50,559,000 above the current year appropriation and \$18,783,000 below the request.

This appropriation supports the Executive Office for U.S. Attorneys and the 94 U.S. Attorneys Offices which serve as the principal litigators for the U.S. Government for criminal, civil and debt collection matters.

The Committee recommendation assumes requested adjustments to base, including the cost of the 1997 pay raise.

Immigration and Southwest Border Initiatives.—The recommendation provides an increase of \$13,730,000 and 100 attorneys, the full amount requested, to support immigration initiatives and increased drug prosecutions on the Southwest border.

The recommendation also provides resources from the Violent Crime Reduction Trust Fund of \$500,000 and 3 attorneys to address the problem of marketing scams which target senior citizens. In addition, funding of \$1,000,000 is provided for Federal victims counselors to address violence against women, reflecting an in-

crease of \$500,000 over the amount provided in fiscal year 1996 and \$467,000 above the request.

Teamsters Election.—The Committee supports the ongoing efforts of the Department of Justice to rid the International Brotherhood of Teamsters of mob dominance. While the Committee agrees that it is in the best interest of the nation to have a mob-free union, it is most beneficial to the union itself. The Committee also agrees that the Federal government should not bear the full cost of the supervision of the upcoming elections. In the Conference Reports to H.R. 4603 and H.R. 2076, the conferees agreed that the cost for the supervision of this election should be shared by the Justice Department, the Department of Labor and the International Brotherhood of Teamsters. For the last two years the Department of Justice and the Department of Labor have supported two-thirds of the entire cost of the election oversight. The fiscal year 1997 budget request for these agencies includes the remaining one-third of this cost. For the Department of Justice, the request includes an additional \$3,821,000. The Committee agrees that this remaining cost should be supported in full by the International Brotherhood of Teamsters in order that they may share in the cost of this oversight and the commitment to a mob-free union. The Committee further understands that the Teamsters have adequate resources to support these costs and therefore there will be no adverse impact on the oversight activities. As such, no additional funding is provided for this activity.

The Committee also recommends bill language, similar to that included in previous fiscal years, which: (1) makes up to \$2,500,000 for debt collection purposes available until 1998; (2) makes up to \$10,000,000 for automated litigation support contracts available until expended; (3) makes available up to \$8,000 to be used for official reception and representation expenses; and (4) specifies the number of positions and workyears provided for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

The Committee recommendation provides a total of \$107,950,000 in budget (obligational) authority for the U.S. Trustees for fiscal year 1997, to be entirely funded from offsetting fee collections. The amount recommended is \$5,678,000 above fiscal year 1996 and \$3,683,000 below the request.

The U.S. Trustees System provides administrative support to expeditiously move bankruptcy cases through the bankruptcy process and ensures accountability of private trustees appointed to administer bankruptcy estates and with regard to debtors. Public Law 99-554, the Bankruptcy Judges, U.S. Trustees, and Family Farmer Bankruptcy Act of 1986, established a U.S. Trustee System Fund in the U.S. Treasury, and provided for the collection of fees into the Fund to finance program operations.

The recommendation includes new language as proposed by the Administration, under section 109, to restructure quarterly fee payments for debtors under chapter 11 of the Bankruptcy Code but does not include a new surcharge on chapter 13 trustees payments. Also included is language to allow all fees collected to be used as offsetting collections to the U.S. Trustee program.

The recommendation also includes bill language which: (1) allows deposits to the U.S. Trustee System Fund to be used to pay refunds due depositors; (2) allows \$107,950,000 in offsetting fee collections to be retained and used for necessary expenses in this appropriation; (3) reduces appropriated funds as such fees are collected; and (4) makes offsetting fee collections in excess of \$107,950,000 available until expended in fiscal year 1998.

FOREIGN CLAIMS SETTLEMENT COMMISSION

The Committee recommends \$878,000 for the Foreign Claims Settlement Commission for fiscal year 1997. This amount is an increase of \$49,000 over the current year appropriation and the full amount requested. The Commission settles claims of American citizens arising out of nationalization, expropriation, or other takings of properties and interests by foreign governments.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The Committee recommends \$485,214,000 for the United States Marshals Service for fiscal year 1997, of which \$25,000,000 will be provided from the Violent Crime Reduction Trust Fund. This amount represents an increase of \$37,530,000 above the current year appropriation, and \$29,825,000 below the amount requested.

The primary mission of the 94 U.S. Marshals offices is the protection of the Federal Judiciary, protection of witnesses, execution of warrants and court orders, and the custody and transportation of unsentenced prisoners.

The Committee recommendation assumes requested adjustments to base, including the cost of the 1997 pay raise.

Security at New and Expanded Courthouses.—The Committee recommendation includes \$7,585,000 for security staffing and \$15,235,000 for equipment at courthouses anticipated to open in 1997. This amount assumes that a number of the courthouses scheduled to open in September 1997 will not open until fiscal year 1998. This assumption is based on the fact that, of the 31 courthouses scheduled to open in fiscal year 1996, 17 have extended the opening dates by at least three months.

In addition, the Committee recommendation includes \$4,700,000 and 30 additional Deputy U.S. Marshals for security at D.C. Superior Court and \$6,130,000 and 45 Deputy U.S. Marshals to support the increased movement of pre-trial detainees resulting from increased arrests on the southwest border.

Seized Assets.—Earlier this year, the Committee approved a reorganization of the U.S. Marshals Service and specified that \$27,817,000 and 404 FTE be devoted to the Seized Asset Management Program, as provided in the fiscal year 1996 Conference Report. Concerned over the need to strengthen oversight of the seized assets program, the Committee directed the U.S. Marshals Service to implement new practices to improve the timeliness and disposal of assets, including recommendations made in a review of the program by the Office of the Inspector General.

The Committee understands that the Marshals Service has made significant improvements in the Seized Assets program and that all of the recommendations of the Inspector General, the Office of Management and Budget and the Committee have been imple-

mented or are in progress. As a result, the Committee understands that the inventory of assets to be disposed of has been significantly reduced and a thorough review of time reporting and workload data indicates that only 230 FTE will be devoted to the Seized Asset program in fiscal year 1996. With the outcome of the Supreme Court's ruling on civil forfeitures and recent emphasis by the Attorney General on use of asset seizure and forfeiture as a law enforcement tool, the Committee is concerned that adequate resources remain in the Seized Asset program to address any increase in seizures that may occur and therefore recommends that the level for the Seized Asset Program in fiscal year 1997 be no less than 325 FTE and \$22,700,000. The Committee further expects that the savings of \$5,117,000 and 104 workyears from the fiscal year 1996 level, be redirected to the following increases:

- + \$3,708,000 to restore intermittent deputy positions for prisoner-related activities;
- + \$426,000 for witness security; and
- + \$983,000 for protection of the judiciary.

The Committee also recommends bill language, similar to that included in previous appropriations acts, which allows up to \$6,000 to be used for official reception and representation expenses, and allows for the acquisition of motor vehicles for police-type use without regard to the general purchase price limitation. New bill language is included which makes up to \$4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and \$2,200,000 for the Justice Prisoner and Alien Transportation System, available until expended. In addition, new language is included which will allow the U.S. Marshals Service to earn reimbursement for the maintenance and transport of State, local and territorial prisoners by the Justice Prisoner and Alien Transportation System.

FEDERAL PRISONER DETENTION

The Committee recommendation assumes total budget (obligational) authority of \$405,262,000 for the Federal Prisoner Detention account for fiscal year 1997, which is the full amount requested and \$109,931,000, or 37 percent, more than the current year appropriation. Under this program, the U.S. Marshals contract with State and local jails and private facilities to house unsentenced Federal prisoners for short periods of time usually before and during trial and while awaiting transfer to Federal institutions after conviction.

The recommendation provides for an estimated 13 percent increase in the number of jail days expected to be used. The Committee directs the Department of Justice to prioritize the use of these additional resources to increase drug arrests on the Southwest border.

Report on Availability of Jail Space for Federal Pre-Sentenced Prisoners.—The Committee is aware of jail space, particularly in California, which is vacant due to insufficient State operating funds. The Committee is also aware that as a result of increased Federal law enforcement activities on the Southwest border, requirements for housing of pre-trial prisoners are expected to significantly increase and therefore encourages the Department, to

the maximum extent possible, to utilize this available jail space for Federal prisoners requiring short-term housing.

The Committee also understands that in other areas of the country, there is inadequate jail space for the housing of pre-sentenced Federal prisoners, and as a result the U.S. Marshals Service is often faced with transporting Federal detainees great distances for appearances in trials. The Committee directs the U.S. Marshals Service to undertake a review of jail space availability to determine the adequacy of current jail space for Federal pre-sentenced prisoners and provide recommendations to the House Committee on Appropriations by March 31, 1997, to address current shortfalls and any future requirements.

Detention of Criminal Aliens at the Naval Air Station Miramar.—The Committee is aware that last September the U.S. Marshals Service proposed to house criminal aliens at the Naval Air Station Miramar. The Committee also understands that due to a disturbance at the base resulting from this proposal, the Miramar facility is currently not being used by the Marshals Service. While the Committee understands that the Marshals Service has significant detention requirements in Southern California, it does not support the use of funds provided in this recommendation to house criminal aliens on this vital national security base. The Committee directs the Attorney General to seek detention space in locations other than NAS Miramar, for its detention needs in Southern California.

The Committee also recommends bill language which makes funding provided under this account no longer available for the Cooperative Agreement Program, which is now provided under the Violent Offender Incarceration and Truth-in-Sentencing Grants program (State Prison Grant program).

FEEES AND EXPENSES OF WITNESSES

The Committee recommends \$100,702,000 for Fees and Expenses of Witnesses for fiscal year 1997, an increase of \$15,702,000 over the current year appropriation and \$2,000,000 less than the budget request. The amount recommended is the full budget estimate for the mandatory portion of this program, which provides for fees and expenses of witnesses who appear on behalf of the Government in cases in which the United States is a party, including fact and expert witnesses, mental competency examinations, and witness/informant protection.

The Committee also recommends bill language, similar to that included in previous appropriations acts, which allows: (1) up to \$4,750,000 for protected witness safesites; (2) up to \$1,000,000 for the purchase and maintenance of armored vehicles for prisoner transportation; and (3) up to \$4,000,000 available for the purchase, installation and maintenance of a secure automated information system.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The Committee recommends \$5,319,000 for the Community Relations Service for fiscal year 1997. This amount is the same level as the current year appropriation, and is \$183,000 below the request.

The Community Relations Service (CRS) was established by Title X of the Civil Rights Act of 1964 to provide assistance to communities in resolving disagreements arising from discriminatory practices. The function of resettlement of Cuban and Haitian entrants, which was previously performed by CRS was transferred to the Immigration and Naturalization Service in fiscal year 1996. In addition, the transitional care of Mariel Cubans paroled from detention was funded from this account in previous years, but was transferred to the Federal Prison System, Salaries and Expenses appropriation in fiscal year 1995.

The Committee also recommends bill language, identical to that included in fiscal year 1996, which allows the Attorney General to provide additional resources for CRS, through a transfer of funds from other Department of Justice programs under section 605 of this Act, if emergent circumstances, such as the church burnings in the South, exist.

ASSETS FORFEITURE FUND

The Committee recommends \$30,000,000 for the Assets Forfeiture Fund for fiscal year 1997, which is the full amount requested and the same level as provided in the current year appropriation.

This account provides funds for additional investigative expenses of the FBI, DEA, INS and U.S. Marshals, such as awards for information, purchase of evidence, equipping of conveyances and investigative expenses leading to seizure. Funds for these activities are provided from receipts in the Assets Forfeiture Fund resulting from the forfeiture of assets. Expenses related to the management and disposal of assets are also provided from these receipts in the Assets Forfeiture Fund by a permanent indefinite appropriation.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

The Committee recommends \$2,000,000 for fiscal year 1997, the full amount requested, and \$655,000 below the current year appropriation, for expenses of the Civil Division necessary to handle claims and litigation arising from the Radiation Exposure Compensation Act. This program was established to permit the payment of claims to individuals exposed to radiation as a result of atmospheric nuclear tests and uranium mining in accordance with the Radiation Exposure Compensation Act of 1990.

PAYMENT TO THE RADIATION EXPOSURE COMPENSATION FUND

The Committee recommendation includes \$30,000,000 for payments to approved claimants under the Radiation Exposure Compensation Act of 1990, to be provided from a \$16,264,000 advance appropriation for fiscal year 1997 and \$13,736,000 in resources that will be available on September 30, 1997. This amount is the full amount requested and \$30,000,000 above amounts provided for fiscal year 1996.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The Committee recommends \$372,017,000 for Interagency Crime and Drug Enforcement for fiscal year 1997. This amount is the full amount requested and is \$12,587,000 above the current year appropriation.

The Interagency Crime and Drug Enforcement program, through its 13 regional Task Forces, utilizes the combined resources and expertise of 11 member Federal agencies, in cooperation with State and local investigators and prosecutors, to target and destroy major narcotics trafficking and money laundering organizations.

Reorganization.—The Committee is aware of the Department's ongoing review of the Interagency Crime and Drug Enforcement Task Force program to better address the changing drug trafficking patterns and the changing organized drug enterprises operating in the United States. Central to this review should be an effort to streamline the task force program to ensure the most efficient, coordinated, and concentrated approach to fighting drugs within our communities. The Committee believes that the success of these task forces is dependent on the targeting of major drug trafficking organizations that operate across district lines, and a comprehensive strategy to coordinate intelligence information and strengthen intra- and inter-district communications. The Committee understands that the Department's ongoing review contemplates the formation of regional "advisory councils" of U.S. Attorneys and agency leadership and a reconfiguration of the task force regions to better reflect present-day drug trafficking patterns. The Committee directs the Attorney General to provide a plan setting forth the details of the reorganization of the Interagency Crime and Drug Enforcement Task Force program no later than November 15, 1996.

The Committee recommends bill language, similar to that included in previous appropriations acts, which: (1) allows for intergovernmental agreements with State and local law enforcement agencies; (2) makes \$50,000,000 available until expended; (3) allows funds to be used under existing authorities available to participating organizations; and (4) allows the Attorney General to reallocate unobligated balances among participating organizations.

The recommendation provides funds to the following agencies:

REIMBURSEMENTS BY AGENCY

	FTE	\$(000)
DEA	987	96,943
FBI	981	106,623
INS	102	10,401
Marshals	13	1,398
Customs	284	27,613
BATF	96	10,119
IRS	361	36,582
Coast Guard		625
U.S. Attorneys	847	78,197
Criminal Division	6	742
Tax Division	12	1,267
Administrative Ofc.	12	1,507
Total	3,701	372,017

FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES

The Committee recommends \$2,681,706,000 for the Federal Bureau of Investigation (FBI) for fiscal year 1997, which includes \$153,000,000 from the Violent Crime Reduction Trust Fund. This amount is the full amount requested, except for the request for telephone carrier compliance, which is addressed separately, and \$255,122,000 above the appropriation for the current year.

The Committee recommendation provides for proposed adjustments to base, including the cost of the 1997 pay raise. Included in this amount is \$94,575,000 to fully annualize and sustain 1,559 positions provided in the 1995 appropriation, the 1995 supplemental and the 1996 appropriation. The Committee expects that all of these positions will be on-board by the end of the current fiscal year.

The Committee remains concerned that although significant increases have been provided over the last two years to the FBI to maintain agent and support staff at peak 1992 levels and to enhance the FBI's staffing and capability to address terrorism, the FBI has not hired all of this personnel and as a result has had significant unobligated balances at the end of the fiscal year. The Committee understands that the FBI has increased its agent hiring effort and plans to have the full authorized agent strength on-board at the end of this fiscal year. However, the Committee also understands that the FBI is still significantly behind in the hiring of over 400 support staff provided in the 1995 supplemental for terrorism activities after the Oklahoma bombing and is still behind in the hiring of over 1,000 support staff provided in the fiscal year 1995 appropriation. The Committee finds this underutilization of resources, especially in light of budget constraints, unacceptable. The FBI has justified to Congress the need for these additional personnel and the Congress has responded with the appropriate level of resources. The FBI should take whatever management actions are necessary to ensure that this staff is hired and these resources are being used for the purposes for which they were requested.

Violent Crime and Anti-Drug Initiative.—The Committee recommendation includes a significant increase for the FBI targeted at the highest crime priority—combating violent crime and drugs. The following program increases are provided to build the FBI's capacity to directly fight the war on crime and provide vital assistance to State and local law enforcement officers:

+ \$14,289,000 and 137 positions (including 75 agents) to support a joint FBI/DEA investigative initiative targeting the four most significant Mexican Drug Trafficking Organizations and to address white-collar crime, public corruption, and violent crime resulting from the drug trade on the border;

+ \$5,734,000 and 176 positions, double the amount requested, to expand and support FBI's Safe Streets Task forces which focus on street gangs and drug-related violence;

+ \$10,454,000 for continuation of the NCIC 2000 project, including enhancements which will add a Deported Felon file and a Protective Order file to this system;

+ \$20,240,000 for the establishment of the National Instant Criminal Background Check system for handgun purchases;

+ \$4,000,000 for State and local training and investigative assistance;

+ \$5,000,000 for investigative case support funds;

+ \$8,334,000 to replace agent vehicles;

+ \$5,725,000 for wireless radio communications to provide Federal and State and local law enforcement and public safety officials the capability to communicate with each other using different radio frequencies; and

+ \$1,500,000 for Federal law enforcement task forces to address telemarketing fraud directed toward senior citizens.

Implementation of the Anti-Terrorism and Effective Death Penalty Act.—The recommendation provides \$100,463,000, including \$55,676,000 provided under the construction account, for authorized purposes in the Anti-Terrorism and Effective Death Penalty Act of 1996. Included in this amount is:

+ \$18,276,000 and 231 positions (including 108 agents) for counterterrorism activities;

+ \$11,511,000 to support 68 field electronic technicians to provide necessary technical support to investigative and counterterrorism operations;

+ \$9,500,000 for grants to States to establish, develop, update, or upgrade computerized identification systems that are compatible with NCIC; DNA forensic laboratories; and automated fingerprint identification systems that are compatible with IAFIS; and

+ \$5,500,000 for FBI's Combined DNA Identification System (CODIS), to establish standards to facilitate law enforcement exchange of DNA identification information.

International Program.—The Committee recommends \$1,172,000 and 8 positions (including 4 agents) to add FBI agents in Riyadh, Saudi Arabia; Kiev, Ukraine; Tallinn, Estonia; and Warsaw, Poland. In addition, \$4,000,000 is provided to support FBI activities in Saudi Arabia related to its investigation of the bombing in Dhahran.

Freedom of Information and Privacy Act backlogs.—The Committee is aware that the FBI is approximately four years behind in responding to requests under the Freedom of Information and Privacy Act and that its current backlog of 15,000 requests represents in excess of 2,500,000 pages of material for processing under FOIPA, including requests from individuals for their own files. The budget request includes 129 positions and \$3,327,000 to address this backlog. The Committee recommendation includes \$13,968,000 for 350 positions and automation upgrades, four times the request, in order to clear the backlog entirely within the next three years and to process requests from individuals on their own files on a more timely basis. The Committee expects the FBI to give priority

to processing requests of individuals whose files were obtained by the White House without authorization by the individuals affected.

Grants to States for Identification Systems and DNA laboratories.—The Committee is aware of a number of automation and forensic projects which will enhance State and local law enforcement. Within the overall amounts recommended for State grants, the Committee expects the FBI to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committee on its intentions for each proposal: The North Carolina Criminal Justice Information Network Magistrate Project, which would establish a statewide magistrate system, allowing for immediate capture of wanted information which would be linked electronically to NCIC and the courts criminal information system; and the North Carolina Criminal Justice Information Mobile Data Network.

NCIC Access to Consular Officers.—The Committee is concerned that there is no on-line system in place to check criminal records on non-immigrant visa applicants. The Committee believes that access to this information is critical to ensure that aliens with criminal records or who are subject to warrants of arrest, are denied visas to the United States. The Committee directs the Director of the FBI and the Secretary of State to prepare a joint report by February 1, 1997, which provides a plan to ensure that the Consular Offices will have access to information currently available to the FBI in order to exclude criminal aliens from entering the United States.

The Committee also recommends bill language, similar to that included in previous appropriations acts, which allows: (1) for purchase of passenger vehicles without regard to general purchase price limitations, and the acquisition and operation of aircraft; (2) up to \$70,000 for unforeseen emergencies; (3) up to \$50,000,000 for ADP, telecommunications and technical equipment, and up to \$1,000,000 for undercover operations to remain available until September 30, 1998; (4) not less than \$117,081,000 for counterterrorism investigations, foreign counterintelligence, and national security activities; (5) up to \$98,400,000 to remain available until expended; (6) up to \$10,000,000 to reimburse State and local police for assistance related to violent crime, terrorism and drug investigations; (7) \$1,500,000 for an IAFIS program office; and (8) up to \$45,000 for official reception and representation expenses.

In addition, bill language which specified the amount for the Fingerprint Identification System is no longer included. However, the Committee expects that of the resources provided that remain available until expended, \$84,400,000 will be used for expenses related to automation of fingerprint identification services. Any change to this amount requires notification to the Committee pursuant to reprogramming requirements outlined in section 605.

TELECOMMUNICATIONS CARRIER COMPLIANCE

The Committee recommendation does not include a direct appropriation for the Telecommunications Carrier Compliance program. Funding was not provided for this program in fiscal year 1996 and the budget included a request for \$100,000,000 to reimburse equipment manufacturers and telecommunications carriers and provid-

ers of telecommunications support services for implementation of the Communications Assistance for Law Enforcement Act of 1994 (CALEA).

CALEA authorizes appropriations of \$500,000,000 for the Attorney General to pay telecommunications carriers for costs directly associated with modifying their equipment, services and facilities to allow law enforcement to perform court-authorized wiretaps. Many technical advances in telecommunications systems such as switch-based call forwarding, voice and speed dialing, fiber optic transmission lines and wireless signals, have posed enormous challenges to the ability of Federal and local law enforcement to conduct wiretaps. The majority of court-authorized wiretaps taking place in the United States today are conducted in drug cases. However, advanced telecommunications technologies are also creating problems for the FBI and national security agencies in their conduct of foreign counterintelligence and terrorism investigations in the United States.

The Committee supports the implementation of CALEA, which attempts to respond to the need to assure that telecommunications systems are accessible to duly-authorized law enforcement wiretaps. The law established the telecommunications carriers' responsibilities to assist law enforcement agencies in the lawful interception of communications and the collection of call-identifying information. The law also requires the law enforcement community to provide to carriers a listing of its capacity and access requirements so that carriers can develop future systems that are accessible. Finally, CALEA established a process to reimburse carriers for the cost of modifying existing systems to provide for law enforcement access.

The Committee recommendation includes, under section 110, the establishment of a Telecommunications Carrier Compliance Fund, that would authorize law enforcement or intelligence community agencies to transfer unobligated balances that are available until expended, into this Fund, subject to applicable reprogramming requirements, for the purpose of providing reimbursement to telecommunications carriers, in lieu of direct appropriations for this purpose.

However, the Committee recognizes that there is no agreed upon plan between the telecommunications industry, equipment manufacturers and the law enforcement community on the overall requirements and the cost of implementing this Act. Therefore, the Committee recommendation includes language that prohibits expenditure of any funds for this purpose until an implementation plan has been submitted and approved by the Committees on Appropriations and the Judiciary of both the House and Senate. The Committee directs the Attorney General to address the following outstanding issues in this plan:

1. Law enforcement assistance capability features including an explanation of how proposed interface and assistance capability requirements exceed or differ from the law enforcement assistance currently provided by carriers;
2. The actual and maximum number of simultaneous surveillances/intercepts that law enforcement agencies expect to perform (capacity requirements), as well as the "historical base-

line electronic surveillance activity” on which the proposed capacity requirements are based;

3. A detailed county by county listing of proposed actual and maximum capacity requirements;

4. The proposed network switch and other assistance capability features requested by law enforcement that would be required to be installed by telecommunications carriers;

5. A complete estimate of the full costs of development and deployment of the assistance capability features, the full costs of the proposed actual and maximum capacities requested by law enforcement, the full cost of training telecommunications carrier personnel in the use of such capabilities and capacities, and to what extent funding of \$500,000,000 will be sufficient to fully reimburse telecommunications carriers for the reasonable cost of compliance with CALEA; and

6. A complete estimate of the full and reasonable costs associated with modification to be performed by telecommunications carriers of their network equipment and facilities installed or deployed after January 1, 1995, which are not proposed for reimbursement.

The Committee recommendation also includes a requirement for an annual report to be submitted to Congress by the Attorney General, which details all deposits and expenditures from the Telecommunications Carrier Compliance Fund made pursuant to CALEA.

CONSTRUCTION

The Committee recommendation includes \$55,676,000 for FBI construction, which is the full amount requested. This funding is provided for continued construction of a new FBI forensic laboratory. In 1996, \$57,089,000 was provided for architectural design, site planning and the first phase of construction of a new FBI laboratory facility to replace the existing facility at the FBI Headquarters and address health and safety concerns. The Committee understands that the total cost of this new facility will be \$150,000,000 and it will be located at the FBI complex in Quantico.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The Committee recommends total budget authority of \$1,028,862,000 for the Drug Enforcement Administration (DEA) for fiscal year 1997, of which \$52,824,000 is derived from the Diversion Control Fund, and \$243,000,000 is derived from the Violent Crime Reduction Trust Fund, including \$71,000,000 from Community Oriented Policing Services for expenses of State and local police officers associated with drug task forces. This amount is \$172,547,000 over fiscal year 1996 and \$20,000,000 more than requested by the Administration.

Underutilization of Resources over the Past Two Years.—The Committee is concerned that the growing problem of drugs in the United States over the past two years has been exacerbated by the underutilization of resources provided to DEA. In response to the drug crisis, in both 1995 and 1996, the Congress provided resources

above the amount requested by the Administration for the DEA. In 1995, Congress provided over 300 additional DEA agents to restore staffing to peak levels in 1992. At the end of 1995, only 70 additional agents had been hired. The Committee is aware that as of May 25, 1996, DEA was still 161 agents below its authorized level. The Committee finds this underutilization of resources unacceptable when the country is faced with escalating juvenile drug use and drug-related crime. The Committee expects DEA to make the hiring of these critically-needed agents and support personnel its top priority.

The Committee is aware of, and deeply concerned about, the alarming increase in drug use by teenagers and the increasing availability of drugs in the United States. Data on supply levels indicate record low prices and record high purities for heroin, cocaine, and marijuana, record emergency room admissions for drug-related incidents, and an increase in juvenile drug use by 150 percent since 1992, reversing a decade-long downtrend. Furthermore, the U.S./Mexico border continues to be the most open avenue for drug smuggling. In response, the Committee has included \$20,000,000 above the amount requested, for a renewed counternarcotics attack and focuses these resources on effective cocaine and heroin supply-reduction efforts, the growth in methamphetamine production and trafficking, interdiction on the Southwest border, and investigation of major drug trafficking organizations. Specifically, the recommended level provides for full adjustments to base for pay and inflation and includes the following increases:

Source Country/International Strategy.—The Committee recognizes that supply reduction directly affects drug availability, street price, purity levels and drug use by youths. This was evidenced by the precipitous decline in cocaine use during the supply reduction effort between 1985 and 1992—as price and purity fell, the number of cocaine users in the United States fell from 5.5 million to 1.3 million, and juvenile use continued to recede from the high levels of use in the late 1970s. Notably, when interdiction and source country programs declined in 1993, street prices fell by several magnitudes, purities rose markedly, from roughly 10 percent to 50 percent purity for heroin, drug-related medical emergencies soared, and youth drug use significantly increased. Teen drug use increased by over 50 percent in two years, from 2.4 million teen users in 1992 to 3.8 million teen users in 1994. The correlation between effective interdiction and source country programs, and youth drug use, is addressed in the Committee's recommendation which includes \$75,848,000 and 75 agents for a new initiative, not requested by the Administration, to restore successful source country drug control efforts to 1992 levels including:

- + \$21,000,000 to support Vetted Units in Peru, Colombia, Bolivia and Mexico, to maximize the use of United States human and signal intelligence;

- + \$5,000,000 for DEA enforcement personnel to support Operation Gateway, a coordinated effort to reduce air and marine smuggling throughout the Caribbean;

- + \$27,858,000 and 75 agents to increase on-site DEA agents in source countries and provide equipment and support to aug-

ment the intelligence effort, and to train and work with newly emerging vetted units. Of the amount provided, 15 agents are to be assigned to each of the following Latin American source countries—Peru, Colombia, and Bolivia, 20 agents are to be assigned to Mexico, and the remaining 10 agents should be assigned to Brazil, Panama, the Bahamas, Burma, Thailand, and the Commonwealth of Independent States.

+ \$2,000,000 for DEA human intelligence, communications equipment and maintenance costs for the Peru riverine strategy; and

+ \$20,000,000 to restart the Andean cocaine initiative in Bolivia and Peru.

In addition, the Committee recommendation includes \$632,000 and 2 agents, as requested, to establish a country office in Pretoria, South Africa to combat heroin trafficking.

Southwest Border Initiative.—The Committee is aware that nearly 70 percent of all drugs that enter the United States enter across the 2,000 mile border with Mexico. The Committee recommendation includes \$24,858,000 and 54 agents, the full amount requested, to support counter-drug efforts on the Southwest border including:

+ \$10,000,000 for a cooperative effort with the FBI to penetrate command and control communications of the Mexican drug trafficking organizations through extensive use of Title III wire intercepts;

+ \$4,333,000 and 14 positions to support a classified intelligence research project;

+ \$8,131,000 and 50 agents for investigations from Title III wire intercepts; and

+ \$2,394,000 and 4 agents and 15 diversion investigators to focus on methamphetamine activity on the Southwest border.

Domestic Strategy.—The Committee recommendation also includes an increase of \$18,115,000 and 60 agents targeted at the impact of drugs and drug-related violence in communities and schools. Juvenile violence and the emergence of violent gangs has flourished along with the proliferation of drugs. In 1994, juveniles accounted for one out of five of all violent crimes. Drug use among teenagers is undeniably contributing to this violence. Marijuana use by 14 and 15 year olds has increased by 200 percent from 1992 to 1994 giving way to an alarming fact that today one out of three high school seniors smokes marijuana. Additional resources will support domestic counter-drug activities, including critically needed support to State and local law enforcement, who are on the front lines of the fight against drug and gang-related violence.

Of the total resources provided from the Violent Crime Reduction Trust Fund, \$134,500,000 (including \$71,000,000 from the Community Policing Services Program), is provided to support State and local participation on 89 DEA State and Local Task Forces, to expand DEA Mobile Enforcement Teams, to support marijuana eradication activities and to replace aging vehicles and aircraft. Resources are provided for the following increases:

+ \$5,900,000 to add 60 more special agents to 20 DEA domestic field offices to support Mobile Enforcement Teams designed

to respond to local law enforcement requests to assist in penetrating violent gangs and local trafficking organizations;
 +\$6,715,000 for replacement vehicles;
 +\$3,500,000 for marijuana eradication activities;
 +\$2,000,000 for aircraft replacement; and
 +\$3,874,000 for investigative equipment.

Drug Diversion Control Fee Account.—The recommendation includes \$52,824,000 for DEA's Drug Diversion Control Program for fiscal year 1997, the full amount requested, and \$4,329,000 above the amount provided in 1996. The Drug Diversion Control Program is responsible for controlling the diversion, distribution, manufacture and abuse of legitimate pharmaceuticals. DEA annually registers in excess of 900,000 drug handlers, of which over 1,670 are manufacturers, distributors, importers, exporters, and others handling large volumes of controlled substances. These registrants pay fees which fully support the cost of this program.

Methamphetamine Strategy.—The Committee is aware that the production, trafficking, and usage of methamphetamine, an extremely destructive and addictive synthetic drug, is a growing national problem. Methamphetamine is a powerful central nervous system stimulant that both law enforcement officers and members of the medical treatment community say is often responsible for violent and erratic behavior, putting law enforcement and communities at risk. Available data has shown that methamphetamine abuse has risen significantly in the West and Southwest, is threatening the Midwest and has begun to spread eastward. Despite some successes in the seizure of clandestine drug laboratories, limited State and Federal law enforcement resources, coupled with the complexity of clandestine laboratory enforcement investigation and cleanup processes, have made the fight against illicit methamphetamine manufacturing difficult.

The Committee supports State and local law enforcement in their efforts to eradicate illicit methamphetamine production and encourages the greatest degree of cooperation between Federal law enforcement agencies, such as DEA, and State and local law enforcement agencies. The Committee also supports the establishment of more stringent chemical controls over precursor chemicals used to manufacture methamphetamine. The Committee also encourages Federal law enforcement agencies to work in a coordinated fashion to attack the international cartels predominant in methamphetamine trafficking and the importation of chemicals used to manufacture methamphetamine in the United States.

Operation Alliance.—The Committee's recommendation includes the full level of resources provided in the current year that is dedicated to Operation Alliance. This operation is a multi-agency entity whose primary mission is to facilitate and improve the coordination of the drug-related law enforcement organizations operating in the Southwest Border area of the United States. The Committee supports the continued program levels for Operation Alliance.

El Paso Intelligence Center.—The Committee encourages the Drug Enforcement Administration (DEA) to allocate adequate resources to the El Paso Intelligence Center (EPIC) from the funds provided within this bill and report for the DEA's budget for Salaries and Expenses.

Report on Targeted Kingpin Organizations and Special Enforcement Operations.—The Committee is aware of the decision undertaken by the DEA to reorient its domestic enforcement strategy away from the previous drug-specific design, which focused on Targeted Kingpin Organizations, to a multi-drug concept where drug activity is monitored by geographic region through the establishment of Geo-desks at DEA Headquarters. Using the Geo-desk concept, the Special Agents in Charge have been given the authority to initiate and direct drug investigations pertinent to their specific drug issues in their specific field locations.

The Committee is supportive of DEA utilization of this multi-drug concept in its domestic enforcement activities. However, the Committee remains concerned with the deployment of DEA resources, particularly in the international arena. Therefore, the Committee directs the DEA to submit a quarterly report, beginning with the first quarter of fiscal year 1997, that provides investigative workhours and funding, by type, within major drug source and transit countries, delineated by country and function. The Committee expects the first report to be submitted no later than January 15, 1997.

The Committee also recommends bill language, similar to that included in previous appropriations acts, which allows: (1) up to \$70,000 for unforeseen emergencies; (2) for expenses for drug education and training; (3) purchase of passenger vehicles without regard to general purchase price limitations, and acquisition and operation of aircraft; (4) up to \$1,800,000 for research and up to \$15,000,000 for transfer to the Drug Diversion Control Fee Account to remain available until expended; (5) up to \$4,000,000 for evidence and information, up to \$4,000,000 for ADP and telecommunications, and up to \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment and \$2,000,000 for aircraft replacement parts to remain available until September 30, 1998; and (6) up to \$50,000 for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The Committee recommends total new budget (obligational) authority of \$3,096,908,000 for the Immigration and Naturalization Service for fiscal year 1997. This is an increase of \$542,760,000 over the current fiscal year, and \$30,000,000 over the budget request. Of the total amount recommended, \$500,168,000 will be derived from the Violent Crime Reduction Trust Fund and \$919,285,000 will be derived from offsetting fee collections.

Enforcing Our Immigration Laws.—Recognizing the need for stronger enforcement against illegal immigration, the Congress has increased funding for INS by over 74 percent since 1993. In fiscal year 1996, the Congress provided the largest increase ever provided to the INS—\$558 million, or a 27 percent increase. The Committee recommendation for 1997 again includes a substantial increase of \$542,760,000, including \$443,401,000 in increases from direct appropriations and the Violent Crime Reduction Trust Fund, focused on controlling the border and removing illegal aliens from the United States. In fiscal year 1996, additional resources were provided

for over 3,000 new INS personnel, including 1,400 more personnel on the front lines of the border, and 1,500 more investigations and detention and deportation personnel to locate, apprehend and remove illegal aliens from the United States. The recommendation for fiscal year 1997 will build on the resources provided last year by adding over 1,300 more personnel to the border, including 1,100 new border patrol agents, and a concentrated effort to remove illegal aliens from the United States by expanding detention space and deportation efforts.

Detention and Removal of Deportable Aliens.—The Committee is concerned that despite increased resources and efforts by INS to locate and apprehend illegal aliens residing in the United States, the illegal alien population continues to grow. The Committee believes that efforts to locate and apprehend aliens are being undermined by a lack of detention resources that are critical to INS's ability to remove illegal aliens from the United States. The Committee is concerned that the Administration's immigration initiative does not concentrate sufficient resources on detaining illegal aliens that have been apprehended and/or issued orders for deportation, to ensure their removal. A report issued in March 1996 by the Department of Justice Office of Inspector General found that only 11 percent of illegal aliens who are ordered deported by INS, who are not detained, are actually removed from the United States.

The Committee recommendation, therefore, places greater emphasis on providing adequate detention resources than does the Administration. The recommendation includes an increase of \$114,322,000, 274 positions and 137 FTE, of which \$33,306,000 is from the Violent Crime Reduction Trust Fund. This amount is \$78,382,000 above the Administration's request for detention and removal of deportable aliens, and includes:

- + \$97,322,000 and 204 Detention personnel to increase detention capacity by 2,700 beds, 2,000 more beds than requested, to ensure the removal of deportable aliens and address increased detention requirements resulting from the Anti-Terrorism Act;

- + \$10,000,000 and 70 investigative and deportation personnel to expand the local jail initiative to assist local authorities in reducing jail overcrowding, reducing overloaded dockets, and removing deportable aliens;

- + \$4,000,000 for the Port Court initiative; and

- + \$3,000,000 for enhancement of the Justice Prisoner Alien Transportation System.

Report on Removals of Criminal and Non-Criminal Aliens.—The Committee is aware that INS has revised its estimate for removals of criminal aliens during fiscal year 1996 from 110,000 to 62,000. While this level still reflects an increase in removals over the 50,000 removals accomplished in 1995, the Committee was led to believe that when it provided \$129,000,000 in additional resources in fiscal year 1996 to detain and deport criminal and illegal aliens, removals of aliens who are illegally residing in the United States would significantly increase. The Committee expects that with the additional resources included in the recommendation, INS should exceed its estimate of 93,000 removals for fiscal year 1997. The Committee directs INS to submit a quarterly report on removals

beginning no later than January 1, 1997, that outlines the number of removals in the following categories: criminal aliens removed; non-criminal aliens removed; Port Court removals; and the number of outstanding final orders of deportation or exclusion.

Hiring of Border Patrol Agents.—Last year the Attorney General informed the Committee that INS was behind in the hiring of border patrol agents provided in fiscal year 1995. As a result, the Department, INS and the Committee worked together to develop a training and hiring plan for the border patrol in fiscal year 1996 that would ensure adequate training and monitoring systems to attain the hiring goals for the border patrol. The Committee understands that INS is on target with the hiring of new border patrol agents this fiscal year and commends INS and the Department for the high priority and management attention it has given to this issue.

Border Control.—A total increase of 1,110 positions, 550 FTE and \$176,459,000, of which \$43,702,000 is from the Violent Crime Reduction Trust Fund, is recommended to enhance border control, including:

+ \$132,426,000 for 1,100 new border patrol agents and 136 support personnel, instead of 700 new agents as requested by the Administration;

+ \$19,490,000 for border automation systems, infrared scopes, low light television systems, sensors and the replacement of three helicopters, including upgraded forward looking infrared systems;

+ \$12,300,000 for 150 new land border inspectors for the Southern border;

+ \$1,000,000 to pilot an automated arrival/departure system for pedestrian crossers;

+ \$5,000,000 for anti-smuggling and field intelligence activities both domestic and overseas;

+ \$5,000,000 for expansion of the interior repatriation program started in San Diego this fiscal year; and

+ \$1,243,000 for management support of border enforcement activities.

The Committee is aware of technology advances that are currently available that would enhance border control activities. Within the overall amount recommended for border automation and technology, the Committee expects the INS to examine the use of Smart Multisensor Acquisition and Remote Transmitting System (SMARTS) technology, a network of sensor packages and communication repeaters that can monitor large, sparsely populated regions of the U.S./Mexico border, thermal imaging sensor upgrades for Border Patrol helicopters, and a prototype program such as the Interagency Drug and Immigration Enforcement and Trade facilitation program for the Otay Mesa Port of Entry.

Infrastructure.—The Committee recommendation also includes \$50,583,000, of which \$30,250,000 is from the Violent Crime Reduction Trust Fund, for infrastructure improvements, including:

+ \$16,250,000 for replacement of obsolete radios, weapons and body armor;

+ \$14,000,000 for replacement of vehicles and buses;

- + \$15,253,000 for 104 additional field administrative and contract support personnel, 7 internal audit positions, and training for new automated systems; and
- + \$5,380,000 for training to support long-range career development of journeymen employees.

Offsetting Fee Collections

The Committee recommends a total of \$919,285,000 in offsetting fee collections, an increase of \$99,359,000 over the current year, to support activities related to the legal admission of persons into the United States. These activities are supported entirely by fees paid by persons who are either traveling internationally or applying for immigration benefits. The following increases are recommended:

Inspections User Fees.—An anticipated increase of \$32,477,000 in revenues from persons paying fees on international flights or sea travel will support the following inspections activities:

- + \$12,171,000 for pay and inflation base adjustments;
- + \$12,649,000 and 153 positions for airport inspections staffing for increased border control and facilitation;
- + \$2,479,000 and 30 positions to staff two new airports in Hawaii;
- + \$2,492,000 and 15 positions for a pre-inspection program in Ottawa, Canada; and
- + \$2,601,000 to continue automation efforts at airports, including automation of the arrival/departure I-94 document to facilitate the pilot of a system of exit controls.

Immigration Examinations Fees.—The Committee recommendation includes \$511,061,000 of spending from offsetting collections from persons applying for immigration benefits, including the following program increases:

- + \$3,597,000 to continue temporary staffing in Miami, New York, Chicago, Los Angeles and San Francisco to handle naturalization caseload;
- + \$2,246,000 to continue temporary staffing in Miami, Newark, New York, Los Angeles and San Francisco to handle adjustment of status case processing;
- + \$3,600,000 for FBI fingerprint checks;
- + \$2,217,000 to fund court costs for naturalization ceremonies;
- + \$6,591,000 to support the Service Center Direct Mail Records contract; and
- + \$4,819,000 to continue the pilot records contract currently ongoing in the Miami, Los Angeles, and Chicago District offices.

Land Border Inspections Fees.—The Committee recommendation includes \$11,054,000 in spending from the Land Border Inspection Fund, an increase of \$4,149,000 over the current year, to support activities related to land border fee pilot projects. The current revenues generated in this account are from Dedicated Commuter Lanes in Blaine and Port Roberts, Washington, Detroit Tunnel and Ambassador Bridge, Michigan, and Otay Mesa, California. The additional resources in 1997 will be for five additional Dedicated Commuter Lanes in El Paso, Laredo, and Hidalgo, Texas; and Nogales and San Luis, Arizona and experimenting with various au-

tomation technology to facilitate the inspection process. The Committee recommendation includes language that extends these pilot projects through September 30, 1999. In addition, language is included that allows for the implementation of these projects in States on the Southern border, including California, but prohibits the collection of a universal border crossing fee.

The Committee also recommends bill language, similar to that included in previous appropriations acts, which allows: (1) up to \$50,000 to meet unforeseen emergencies and up to \$5,000 to be used for official reception and representation expenses; (2) for the purchase of motor vehicles for police-type use and for uniforms, without regard to general purchase price limitations; (3) for the acquisition and operation of aircraft and for immigration-related research; (4) up to \$400,000 for technology research to be available until expended; (5) up to \$30,000 to be paid to individual employees for overtime; (6) up to \$10,000,000 for basic officer training; (6) up to \$5,000,000 for payments to State and local law enforcement agencies engaged in cooperative activities related to immigration; and (7) no funds in this Act or any other Act to 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.

Deployment of Resources.—The Committee expects that INS will continue to deploy new border patrol agent and inspector positions to the Southwest border and southern coastal states to support the greatest areas of illegal traffic. The Committee expects this personnel to be assigned to the “front-lines” on the immediate border and on primary inspection lanes to facilitate traffic across the border. The Committee also expects INS to review the requirements of States and localities in the central and western region of the country in its allocation of additional personnel to detain and remove illegal aliens especially criminal aliens involved in criminal activities such as drug trafficking. Furthermore, the Committee expects continued consultation on redeployment initiatives started in fiscal year 1996. The Committee directs INS to consult with the Appropriations Committees of both the House and the Senate before a final allocation of all new positions is determined.

San Clemente Checkpoint Operations.—The 1996 appropriations language for INS included a requirement that the San Clemente checkpoint be open, and traffic checked, on a continuous 24-hour basis. The Congress clearly intended, when it included this language, that a 24-hour operation meant open and fully operational except in severe inclement weather, that is, not in a “pulsing-on and off” fashion as it is currently being operated. The numerous letters received by the Committee regarding the continued operation of the checkpoint, all expressed the desire to have this facility operating on a continuous 24-hour basis, if there is to be a credible second-line of defense to illegal aliens and drug smugglers that make it across the border. The Committee understands that INS is continuing to operate this facility in a “pulsing on and off” manner, thereby undermining the purpose for the checkpoint operation and compromising the integrity of our borders. The Committee recommendation retains this requirement for a 24-hour operation in

fiscal year 1997 and prohibits funds from being used to operate this checkpoint in an other manner.

Exit Control Strategy.—The Committee is aware of efforts of the Department of State and INS to automate processes and electronically share information for the issuance of immigrant visas. Furthermore, the Committee understands that the INS and State Department are reviewing options for sharing information for the issuance of non-immigrant visas. The Committee recommendation also includes resources for automation of the I-94 Arrival/Departure Form. The Committee expects the INS and the Department of State to submit a plan and timeline by February 1, 1997, that will outline a pilot project to begin no later than September 30, 1997, that includes the automated issuance of visas through electronic data sharing and the automated collection of arrival and departure information.

INS Management Reforms.—The Committee is aware of a recent investigation by the Department of Justice Office of the Inspector General regarding deception by INS senior officials during the Congressional Task Force on Immigration Reform's fact-finding visit to the Miami District in June 1995. The Committee commends the Inspector General for its thorough analysis of the allegations. The Committee's recommendation includes a \$1,000,000 transfer from the INS Congressional and Public Affairs to the Office of the Inspector General for additional oversight and investigation of INS activities.

Increased Cooperation of Illegal Immigration Enforcement on Federal Lands.—The Committee is aware of increasing illegal immigration and drug control problems on Federal forest lands along the California and Arizona borders, and particularly in the Cleveland and Coronado National Forests. The Committee urges INS and DEA to work collaboratively with the Forest Service and expects that with the increased resources provided to both the INS and DEA, additional efforts will be undertaken to reduce illegal alien and drug activity on Federal forest lands, in order to offset the need for increased resources for the Forest Service.

CONSTRUCTION

The Committee recommends \$9,841,000 for Construction projects for the Immigration and Naturalization Service. Of the amount recommended, \$4,441,000 will provide for removal of leaking underground fuel storage tanks at INS-owned facilities, \$1,100,000 will support health and safety code improvements at the Port Isabel Detention facility, and \$4,300,000 will provide for continuation of the triple fence project, similar to that recommended by the Sandia National Laboratories' Systematic Analysis of the Southwest border (1993), along the U.S.-Mexico border from the Pacific Ocean eastward to Otay Mesa.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The Committee recommends \$2,843,040,000 for the Salaries and Expenses of the Federal Prison System for fiscal year 1997, including \$25,224,000 from the Violent Crime Reduction Trust Fund for

Inmate Drug Treatment programs. This amount is \$70,000,000 less than the budget request, and is an increase of \$265,397,000 over total amounts available in the current year.

The Committee recommendation recognizes the critical importance of providing adequate space for the incarceration of sentenced and unsentenced Federal prisoners, and the need to activate newly constructed prison facilities. The recommendation provides for requested adjustments to base, including \$132,921,000 to annualize 1,843 additional positions provided in 1996 for new prison activations.

Activation of New Prisons.—The Committee understands that due to delays in scheduled activations for 1997 as well as \$40,500,000 in funds that will carryover from fiscal year 1996 as a result of slippages in activations from facilities that were scheduled to open in 1996, the appropriation required for the Federal Prison System can be reduced by \$70,000,000 without affecting requested program levels. The Committee further understands that as a result of these slippages, the expansions at Carswell AFB, Texas and Morgantown, West Virginia will not open in 1997 as originally planned. As a result, the Committee recommendation includes \$63,061,000 to activate the following 5 new facilities:

- Beaumont, Texas—960 bed high security facility;
- Butner, North Carolina—513 bed medical facility/250 bed low security beds;
- Edgefield, South Carolina—1,152 bed medium security facility with a 512 bed minimum security camp;
- Seattle, Washington—677 bed detention facility; and
- Elkton, Ohio—1,536 bed low security facility with a 512 bed minimum security camp.

In addition, the recommendation includes an increase of \$11,724,000 in resources from the Violent Crime Reduction Trust Fund to add 5 residential drug treatment units, for a total of 44 programs, to treat between 5,000 and 6,000 inmates with substance abuse problems within the Bureau of Prisons.

Privatization of Federal Prisons.—The Committee understands that the Department of Justice has reversed its earlier plan to staff and operate pretrial detention, minimum and low security Federal prisons with private contracts. The Committee recommendation includes funding to support 1,021 positions and 950 FTE above the level requested in the budget to reflect the net impact of the delay in scheduled activations and the Federal staffing for prisons that were to be privatized.

Prime Vendor Assistance Program.—The Committee is aware of the Bureau of Prison's (BOP) decision to extend the prime vendor subsistence pilot program in the Northeast Region until April 1997. The Committee understands the BOP will use this additional time to evaluate key components of the pilot program, such as timely delivery, quality of products, reduced inventory requirements, customer satisfaction, and cost savings to determine whether the program should be expanded, continued, or curtailed. The Committee is concerned with the impact that this program has on the local economy and directs the BOP to include in its evaluation the cost of excluding local suppliers from Federal prison contracts. The Committee further directs the BOP to provide to the House Com-

mittee on Appropriations, a report on the findings of the evaluation of the prime vendor subsistence pilot program by no later than June 1, 1997, and expects that no expansion or extension of this program beyond April 1997 shall occur prior to the Committee's review of the BOP's findings.

The Committee also recommends bill language, similar to that included in previous appropriations acts, which allows: (1) for the purchase of motor vehicles for police-type use and the purchase of uniforms without regard to the general purchase price limitation; (2) for the provision of technical advice to foreign governments; (3) for transfer of funds to the Health Resources and Services Administration; (4) for the Director to enter into contracts to furnish health care; (5) up to \$6,000 for reception and representation expenses; (6) up to \$50,000,000 for activation of prisons to remain available until September 30, 1998; (7) up to \$20,000,000 for contract confinement expenses for the care and security of Cuban and Haitian entrants; (8) the Federal Prison System to enter into contracts and other agreements with private entities for a multi-year period for the confinement of Federal prisoners; (9) the National Institute of Corrections to be included in this account and merges balances from prior years to this account. In addition, one-time language is deleted, as requested, that prohibited the privatization of any Federal Prison facilities located in Forrest City, Arkansas and Yazoo City, Mississippi.

BUILDINGS AND FACILITIES

The Committee recommends a total of \$395,700,000 for fiscal year 1997 for the construction, modernization, maintenance and repair of prison and detention facilities that house Federal prisoners. This amount is \$60,972,000 above the amount appropriated for the current fiscal year and \$100,000,000 above the request.

The recommendation provides the full request for base adjustments and resources to continue building two new prisons per year, as provided in fiscal year 1996. The following program changes are included:

- +\$197,000,000 for construction of new facilities in California and the Mid-Atlantic Region;
- +\$50,147,000 for a detention facility in Hawaii; and
- +\$34,270,000 for construction of additional holding cells for use by the U.S. Marshals Service.

The Committee also recommends bill language, similar to that included in previous appropriations acts, which allows: (1) for planning, acquisition of sites, and construction of facilities; (2) for leasing a facility in Oklahoma City; (3) for acquisition, remodeling, and equipping facilities by contract or force account; (4) up to \$14,074,000 to construct inmate work areas; (5) for use of prisoner labor; (6) up to 10 percent of this appropriation to be transferred to the Salaries and Expenses account; and (7) for up to \$36,570,000 for renovation and construction of Marshals Service prisoner holding facilities.

In selecting future sites for prison facilities, the Committee believes that the Bureau of Prisons should consider the desires of local communities that have expressed an interest in serving as the home of a prison and locations where supporting infrastructure is

already in place due to the presence of other institutions which would likely result in cost savings to the Bureau.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The Committee recommends a limitation on administrative expenses of \$3,042,000 for the Federal Prison Industries, Incorporated for fiscal year 1996, which is \$698,000 below the amount requested, and \$181,000 above the current year limitation.

OFFICE OF JUSTICE PROGRAMS

The Committee recommends a total of \$4,045,726,000 in new budget (obligational) authority for fiscal year 1997, including \$3,448,900,000 from the Violent Crime Reduction Trust Fund, for the various law enforcement assistance, juvenile justice, research and statistics programs of the Office of Justice Programs (OJP). This amount represents an increase of \$171,185,000 over the current year appropriation and \$154,157,000 below the budget request. Included in these amounts are funds to expand programs providing assistance to the States, such as the Local Law Enforcement Block Grant program, State Prison Grant program, State Criminal Alien Assistance Program, Violence Against Women Grant program, Byrne Grant program, Weed and Seed program, Juvenile Justice and Delinquency Prevention, and Victims of Child Abuse programs.

JUSTICE ASSISTANCE

The Committee recommends \$100,000,000 in direct appropriations for Justice Assistance for fiscal year 1997. Funding included under the Violent Crime Reduction Trust Fund in fiscal year 1996 for Violence Against Women Act programs, the State prison drug treatment program and the missing Alzheimer's patient program are included in the recommendation under State and Local Law Enforcement Assistance for fiscal year 1997. The funding provided for Justice Assistance provides assistance to States in the form of research, evaluation, statistics, information sharing, emergency assistance, missing children assistance and the management and administration of all grants provided through the Office of Justice Programs. An explanation of each program follows:

National Institute of Justice.—The Committee recommendation provides \$30,000,000 for the National Institute of Justice (NIJ) for fiscal year 1997, which is the same level provided in the current year appropriation. In addition, \$20,000,000 will be provided to NIJ in fiscal year 1997, as was provided in fiscal year 1996, from the Local Law Enforcement Block Grant for assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement. The NIJ is the nation's primary source of research and development in the field of criminal justice. NIJ fosters innovation in law enforcement technologies, investigates causes and patterns of crime, and informs the public of research and development findings. Within the total funding level

provided to NIJ for fiscal year 1997, the Committee has provided resources for the following projects:

1. *Defense Technology*.—The Committee is supportive of efforts by the Justice Department, in conjunction with the Department of Defense, to convert non-lethal defense technology to law enforcement use. Within the amount recommended, \$5,000,000 is provided to continue the law enforcement technology center network, that will provide States with information on new equipment and technologies, as well as assist law enforcement agencies in locating high cost/low use equipment for use on a temporary or emergency basis and \$2,800,000 is provided for the technology commercialization initiative at the National Technology Transfer Center that works with private industry to develop affordable new products for law enforcement;

2. *Southwest Border States Anti-Drug Information System*.—In an effort to further enhance the war on drugs along the Southwest border, the Committee has sought ways to improve the sharing of criminal information between State and local law enforcement officials. Since the flow of drugs across the U.S./Mexico border crosses many law enforcement jurisdictional boundaries, the ability to share information between the four southwest border states—California, Arizona, New Mexico, and Texas—is imperative. The Committee supports the efforts over the past three years in which the Department of Defense has teamed with these States to develop the Southwest Border States Anti-Drug Information System which will allow law enforcement officers in one State to quickly and securely access the criminal and intelligence databases of the other three States, the El Paso Intelligence Center, and certain components of the Regional Information Sharing System, when a suspect has been apprehended. Of the \$20,000,000 provided from the Law Enforcement Block Grant, \$12,000,000 is provided for the purchase and deployment of this technology network to local law enforcement agencies in these four States;

3. *National Study on Correctional Health Care*.—In both the House and Senate reports accompanying the Appropriations Act for fiscal year 1996, the Committee encouraged NIJ to undertake a national study on health care services currently available in jails, prisons, and juvenile facilities. The Committee is aware that of the more than 11 million persons released from jails, prisons and juvenile correctional facilities annually, many carry drug-resistant tuberculosis, HIV/AIDs, or other infectious diseases that place the general public at risk. The Committee understands that NIJ is conducting a feasibility review to prioritize specific issues within the correctional health care arena that are in greatest need of research and evaluation. The Committee directs that \$1,000,000 of the funds provided to NIJ be used to support a grant award for a national study on the health care status of soon-to-be-released inmates, which identifies problem areas, particularly as they relate to linkages which exist between correctional institutions and community health resources. The Committee recognizes the efforts of the National Commission on Correctional Health Care as a worthy model.

The Committee is also aware of a number of technology initiatives that will enhance law enforcement capabilities. Within the

overall amounts provided for NIJ, the Committee expects the Office of Justice Programs to provide:

—\$3,500,000 for Facial Recognition Technology using aging algorithms, currently being developed by Lawrence Livermore National Laboratory in conjunction with a not-for-profit research and educational institution which has experience developing computer-generated intelligent agents, such as the CAPTAIN system, for assisting Federal, State and local law enforcement in locating missing persons, and in particular missing and exploited children

—an appropriate level of resources to be transferred to the FBI for continued operations of the Center of Advanced Support in Technology for Law Enforcement (CASTLE)

Report on Funding for Activities within NIJ.—The Committee is supportive of efforts by the Department of Justice and Defense to identify defense and other advanced technologies for law enforcement purposes. The Committee has increased funding for NIJ by 67 percent in fiscal years 1996 and 1997, recognizing the importance of these efforts. The Committee requests that OJP submit a quarterly report that details the budget for the various technology centers and technology initiatives supported by NIJ, beginning on October 1, 1996. This report should include, but not be limited to, all expenses related to each center, its programs, and the number of personnel employed by the centers or significantly involved in overseeing the centers.

In addition, the Committee notes NIJ's reliance on consultants for overseeing work at the Office of Law Enforcement Technology Commercialization instead of using NIJ personnel. The Committee is concerned that this type of oversight is extremely costly and directs that any oversight of this center be performed by employees of the Department of Justice.

Bureau of Justice Statistics.—The Committee recommendation provides \$21,379,000 for the Bureau of Justice Statistics (BJS) for fiscal year 1997, which is the same amount provided in the current year appropriation. The BJS is responsible for the collection, analysis and publication of statistical information on crime, criminal offenders, victims of crime, and the operations of the Nation's justice systems.

Missing Children.—The Committee recommendation provides \$5,971,000 for the Missing Children program for fiscal year 1997, which is the same amount provided in the current year appropriation, and the full amount requested. This program provides funds to combat crimes against children, particularly kidnapping and sexual exploitation.

Regional Information Sharing System.—The Committee recommendation provides \$14,500,000 for fiscal year 1997 for the Regional Information Sharing System (RISS), which is the same amount provided for the current year appropriation, and the full amount requested. The RISS program provides funds to maintain six regionally-based information sharing centers throughout the United States to assist States in addressing major, multi-jurisdictional crimes.

White Collar Crime Information Center.—The Committee recommends a total of \$3,850,000 for the National White Collar Crime

Center (NWCCC) for fiscal year 1997, the full amount requested. This program provides assistance to State and local law enforcement and regulatory agencies in addressing multi-jurisdictional white collar crimes.

Management and Administration.—The Committee recommendation provides \$24,300,000 and 300 FTE for the management and administration (M&A) of the Office of Justice Programs. In addition, reimbursable funding from Violent Crime Reduction Programs and Community Oriented Policing Services and a transfer from the Juvenile Justice account, will be provided for the administration of grants under these activities. Total funding for the administration of grants is as follows:

Program	Amount	FTE
Direct Appropriation	\$24,300,000	300
Transfer from Juvenile Justice Programs	4,800,000	71
Reimbursement from VCRTF programs	29,325,000	286
Reimbursement from Community Policing Services program	2,600,000	23
TOTAL	61,025,000	680

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The Committee recommends a total of \$2,434,900,000 for fiscal year 1997, of which \$2,119,900,000 is provided from the Violent Crime Reduction Trust Fund, for State and Local Law Enforcement Assistance programs. This amount represents an increase of \$239,300,000 over fiscal year 1996, and \$510,795,000 above the amount requested. These funds will provide assistance to State and local governments in their drug control and crime fighting efforts as follows:

OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

[In thousands of dollars]

	1996	1997 request	Recommendation
Direct Appropriation:			
Byrne Grants (Discretionary)	60,000	0	60,000
Weed and Seed earmark	(28,500)	(28,500)	(28,500)
Byrne Grants (Formula)	328,000	0	255,000
Subtotal, Direct Appropriation	388,000	0	315,000
Violent Crime Reduction Trust Fund:			
Byrne Grants (Discretionary)		60,000	
Byrne Grants (Formula)	147,000	475,000	245,000
Local Law Enforcement Block Grant	503,000		571,000
Drug Courts (earmark)	(18,000)	100,000	(18,000)
Violence Against Women Grants	174,500	196,500	196,500
Upgrade Crim. Records (Brady bill)	25,000	50,000	50,000
State Prison Grants	617,500	630,000	680,000
State Criminal Alien Asst. Program	300,000	330,000	330,000
State Courts Assistance		28,000	5,000
State Prison Drug Treatment	27,000	36,000	35,000
Other Crime Control Programs:			
Missing Alzheimer's Patient Program	900	900	900
Tuberculosis in Prisons	200	1,000	
Law Enforcement Family Support	1,000	2,205	1,000
DNA Identification State Grants	1,000	3,000	3,000
State Technology Grants	9,000		

OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE—Continued
 [In thousands of dollars]

	1996	1997 request	Recommendation
Gang Investigation Info. Collection	1,000	.....	.....
Assistance for At-Risk Youths .....	.....	8,000	.....
Motor Vehicle Theft Prevention	500	1,000	500
Senior Citizens Against Marketing Scams .....	.....	2,000	2,000
Presidential Summit on Crime .....	.....	500	.....
Total, Crime Trust Fund	1,807,600	1,924,105	2,119,900
Total, State and Local Assistance	2,195,600	1,924,105	2,434,900

Direct appropriations

Edward Byrne Grants to States.—The Committee recommendation provides \$560,000,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, \$25,000,000 above the amount provided in 1996 to allow States to implement drug testing initiatives. Of the amount provided, \$60,000,000 is for discretionary grants and \$500,000,000 is provided for formula grants under this program.

Discretionary Grants.—The Committee recommendation provides \$60,000,000 for discretionary grants under Chapter A of the Edward Byrne Memorial State and Local Assistance Program to be administered by the Bureau of Justice Assistance (BJA) to public or private agencies and nonprofit organizations, for educational and training programs, technical assistance, improvement of State criminal justice systems, and demonstration projects of a multi-jurisdictional nature. Within the amount provided for these discretionary grants, the Committee expects BJA to provide:

- \$28,500,000 for the Weed and Seed program;
- \$4,000,000 for the National Crime Prevention Council to continue and expand the National Citizens Crime Prevention Campaign (McGruff);
 - \$1,750,000 to continue and expand the Drug Abuse Resistance Education (DARE AMERICA) program;
 - \$2,000,000 for continued funding for the Washington Metropolitan Area Drug Enforcement Task Force;
 - \$775,000 for Project Return, a correctional options program which has achieved very high rates of employment placement along with few instances of reincarceration for ex-offenders;
- \$4,350,000 for a grant to the Boys and Girls Clubs of America to expand their very successful community-based crime prevention programs; and
- \$1,000,000 to SEARCH Group, Inc. to continue and expand the National Technical Assistance Program, which provides support to State and local criminal justice agencies to improve their use of computers and information technology;
- \$1,000,000 for the National Judicial College to provide drug legal education and training to State and local trial judges;
- \$1,000,000 for the National Motor Vehicle Title Information System, authorized by the Anti-Car Theft Improvement

Act, to begin pilot implementation and complete the network infrastructure.

In addition, within the amounts appropriated for discretionary grants, the Committee also expects BJA to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committee on its intentions for each proposal: establishment of a Violence Institute to coordinate efforts in New Jersey into a comprehensive, focused response to violent crime; and support for the community security program of the Local Initiative Support Corporation, which establishes partnerships between local police departments and Community Development Corporations to promote crime prevention.

Pre-Trial Release.—The Committee is concerned that the Bureau of Justice Assistance has awarded grants to programs that encourage the use of unsecured release for individuals charged with serious and violent crimes. The Committee believes that balanced information should be provided to States and localities regarding all available pre-trial alternatives.

Violent Crime Reduction Trust Fund Programs:

Local Law Enforcement Block Grant.—The Committee recommendation includes \$571,000,000 for the Local Law Enforcement Block Grant program, to continue this new block grant program started last year, which provides grants to localities to reduce crime and improve public safety. Of this amount, \$20,000,000 will be provided to NIJ for assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement. The recommendation also includes language that allows up to \$18,000,000 of these funds to be used for drug courts, subject to reprogramming requirements in section 605 of the Act, the same level provided in fiscal year 1996.

The recommendation for funding for the Local Law Enforcement Block Grant continues the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities with their own solutions. The Committee notes that although this grant program was new in fiscal year 1996, applications for grants and estimated funding allocations have already been distributed to localities. The Committee commends the Bureau of Justice Assistance for their timeliness in implementation of this grant program.

Violence Against Women Act.—The Committee recommends \$197,500,000 for grants to support the Violence Against Women Act of which \$196,500,000 is included under the Office of Justice Programs and \$1,000,000 is included under U.S. Attorneys. This amount represents an increase of \$22,500,000 over the current year appropriation and \$467,000 above the amount requested. Grants provided under this recommendation are for the following programs:

[Dollars in thousands]

	1996	1997 Request	Recommendation
Violence Against Women Grant Programs:			
General Grants Victims of Child Abuse	130,000	145,000	145,000

[Dollars in thousands]

	1996	1997 Request	Recommendation
Programs:			
Court-Appointed Special Advocates	6,000	6,000	6,000
Training for Judicial Personnel	750	1,000	1,000
Grants for Televised Testimony	50	550	550
Grants to Encourage Arrest Policies	28,000	33,000	33,000
Rural Domestic Violence	7,000	8,000	8,000
National Stalker & Domestic Violence	1,500	1,750	1,750
Federal Victims Counselors ¹	500	533	1,000
Training Program	1,000	1,000	1,000
State Database Study	200	0	0
Study on Campus Sexual Assault	0	200	200
Total	175,000	197,033	197,500

¹ Included under U.S. Attorneys.

In fiscal year 1996, the Committee provided \$175,000,000 for programs under the Violence Against Women Act to combat domestic violence. This amount represented an increase of \$149,000,000 over the previous year—a 573 percent increase—recognizing the importance of combating domestic violence, despite budget constraints. This funding was to be distributed to State and local agencies so that new programs could be started that would significantly enhance the availability of victim services, prosecutors, and law enforcement to women and children who are subjected to domestic violence.

The significant funding increase in 1996 was provided to expand units of law enforcement officers and prosecutors specifically targeted at crimes against women, develop and implement effective arrest and prosecution policies to prevent, identify and respond to violent crimes against women, strengthen programs addressing stalking and provide much needed victims services including specialized domestic violence court advocates to obtain protection orders. In addition, programs would be strengthened to encourage reporting of domestic violence by providing assurances that law enforcement and attorney support systems would be available.

The Committee is deeply concerned to learn that of the \$175,000,000 provided in fiscal year 1996, only \$473,000 has been provided to date to State and local agencies and as a result the network of services, law enforcement personnel and support systems, are still not available to victims of domestic violence. Despite the emphasis by Congress, the Department has failed to effectively manage this important program. The Committee expects the Department to implement a plan to distribute the resources provided in this bill within 60 days of enactment, and report to the Committee on this plan by September 1, 1996.

National Instant Criminal Background Check System.—The recommendation provides \$50,000,000 for States to upgrade criminal history records so that these records can interface with other databases holding information on other categories of individuals who are prohibited from purchasing firearms under Federal or State statute. In addition, \$20,240,000 is included in the recommendation for the FBI to complete development of the National Instant Criminal Background Check System.

State Prison Grants.—The recommendation provides \$680,000,000 for the State Prison Grant program, of which \$170,000,000 is available to States for the incarceration of criminal aliens and \$12,500,000 is for the Cooperative Agreement Program. This program provides grants to States to build and expand temporary or permanent correctional facilities, boot camps, and jails to increase the capacity for confinement of violent criminals. The amount available for prison grants is \$497,500,000, which is \$92,500,000 more than provided in fiscal year 1996, and \$50,000,000 more than the request for this program.

State Criminal Alien Assistance Program.—The recommendation provides \$330,000,000 for the State Criminal Alien Assistance Program for the reimbursement to States for the costs of incarceration of criminal aliens. This amount is in addition to \$170,000,000 which is included for this purpose under the State Prison Grants program. Thus, the Committee recommends a total of \$500,000,000 for reimbursement to States for alien incarceration, which is the full amount requested and the same level as provided in fiscal year 1996.

State Courts Assistance Program.—The recommendation includes \$5,000,000 for a new program to provide assistance to State courts. The Committee expects that \$3,000,000 of these funds will be provided to the State Justice Institute to continue grants for improvements in State Court systems.

Substance Abuse Treatment for State Prisoners.—The Committee recommends \$35,000,000 for grants to States and units of local government for development and implementation of residential substance abuse treatment programs within State correctional facilities, and certain local correctional and detention facilities. This amount is the same level as provided in fiscal year 1996, and \$1,000,000 below the request.

Law Enforcement Family Support programs.—The recommendation includes \$1,000,000 for programs that provide support services to law enforcement officers and their families, the same level as provided in fiscal year 1996.

Safe Return Program.—The Committee recommendation includes \$900,000 to continue and expand the national program to locate missing Alzheimer patients.

Tuberculosis in Prisons.—The recommendation does not include additional funds for treatment of tuberculosis in Federal and State prisons. In fiscal year 1996, \$200,000 was provided for this program. Funding for this program in Federal prisons is available within resources provided to the Bureau of Prisons and funding for this program in State prisons can be supported from a number of grant programs provided to States.

DNA Identification State Grants.—The recommendation includes \$3,000,000 for grants to States and units of local government to support programs and projects to develop or improve the capability to analyze DNA in a forensic laboratory. The amount provided is the full amount requested and \$2,000,000 above the amount provided in fiscal year 1996. Within the amount made available under this program and in conjunction with State grants under the FBI, the Committee expects the Office of Justice Programs and the FBI to examine the following proposal, to provide a grant if warranted,

and to submit a report to the Committee on its intentions: establishment of a Center for Forensic Science Standards, including an Arson and explosion reference laboratory, in Central Florida.

Assistance for At-Risk Youth.—The recommendation does not include \$8,000,000 for At-Risk Youth programs. Instead, an additional \$30,500,000 is provided for State formula grants under the Juvenile Justice and Delinquency Prevention Act, to increase amounts available to States to implement programs targeted at at-risk youth and reducing juvenile crime.

Motor Vehicle Theft Prevention.—The recommendation provides \$500,000 for grants to combat motor vehicle theft through cooperative partnerships between car owners and State and local law enforcement to reduce car theft committed by professional auto thieves and to facilitate their recovery. This amount is the same level provided in fiscal year 1996 for this program.

Senior Citizens Against Marketing Scams.—The recommendation includes \$2,000,000 for new programs to assist law enforcement in preventing and stopping marketing scams against the elderly. In addition, \$1,500,000 is provided under the FBI to investigate these crimes and \$500,000 is provided under the U.S. Attorneys for prosecution of these crimes.

Presidential Summit on Crime.—The recommendation does not provide \$500,000, as requested, to conduct a Presidential Summit on Crime.

WEED AND SEED PROGRAM

The Committee recommendation provides \$28,500,000 for the Weed and Seed program from discretionary grants under the Byrne program, the full amount requested and the same level as provided in 1996.

The Committee also recommends bill language, similar to that included in previous fiscal years, making funds available for grants or agreements with State agencies or to reimburse Federal agencies in order to execute the Weed and Seed strategy, and also allows for the use of other Department of Justice funds to support the Weed and Seed Program.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

The Committee recommendation includes \$1,400,000,000 for Community Oriented Policing Services—the COPs Program—for fiscal year 1997. This is the same amount as provided in fiscal year 1996 and \$576,155,000 below the request. The fiscal year 1997 request was submitted prior to a final agreement of funding in 1996 of \$1,400,000,000. The original budget request for fiscal year 1996 was \$1,903,000,000. Within the amount provided, the Committee recommendation includes \$10,000,000 for the Police Corps program and \$144,000,000 for innovative community policing efforts focused on drug task forces, youth violence and domestic violence initiatives. The level of funding provided for police hiring and non-hiring initiatives is distributed in the same proportion as 1996 and therefore maintains the program on a path to have hired 100,000 new police officers by the year 2000 by the Administration's calculation.

It should be clear that COPs grants last for no more than three years, and there is no assurance that the localities will maintain these officers after Federal funding has expired.

Police Hiring Initiatives.—The Committee intends that funding provided will be used for the purpose of providing grants which will yield at least 19,000 more police officers on the street. When added to the 47,627 police officers added in 1994, 1995 and 1996, by the end of 1997 almost 67,000 new police officers will have been funded. The Committee expects that hiring grants will include grants under the Universal Hiring Program and the COPs MORE program in order to accomplish this goal.

Non-Hiring Initiatives.—The Committee is aware that of the funding provided in fiscal year 1996, \$144,000,000 was used for non-hiring innovative community policing programs. The Committee has provided this same level of funding for non-hiring initiatives in fiscal year 1997, and has focused these initiatives on three of the most critical crime issues facing communities—drugs, youth violence, and domestic violence.

Of the total amount available for non-hiring initiatives the Committee directs \$71,000,000 of these funds to be used to support local police officers participation on DEA State and local task forces. These funds will be used to support overtime, equipment and vehicles for local officers.

In addition, \$30,500,000 is directed to enhance grants available to States under the Juvenile Justice Delinquency and Prevention Act, to develop and implement innovative and community policing initiatives designed to address youth violence and juvenile crime. States that have implemented “get tough” policies on juveniles who have committed serious violent crimes will be eligible to receive this additional funding.

The Committee also intends that \$43,000,000 of funding be used to continue innovative strategies employing community policing to combat domestic violence and to address emergency community needs, such as the recent church burnings in the South.

The Committee recommendation includes bill language which (1) transfers \$71,000,000 to the DEA for State and local drug task forces; (2) provides \$10,000,000 for the Police Corps program; (3) provides \$30,500,000 for additional grants under part B of the Juvenile Justice and Delinquency Prevention Act of 1974; and (4) specifies the level of funding for management and administration.

JUVENILE JUSTICE PROGRAMS

The Committee recommendation provides a total of \$149,500,000 for Juvenile Justice Programs for fiscal year 1997, the full amount requested by the Administration and \$1,000,000 above the amount provided in the current fiscal year.

Juvenile Justice and Delinquency Prevention.—The Committee is aware of the growing problem of juvenile crime and that the rise in violence among youths is reaching crisis levels. The latest crime reports show alarming statistics—while overall crime fell 2 percent last year and violent crime fell by 4 percent, the murder rate among teenagers between 1990 and 1994 increased by 22 percent. Almost one-fourth of those arrested for weapons offenses in 1993

were under the age of 18. In 1994, juveniles accounted for 1 out of 5 violent crime arrests.

The Committee recognizes that changes to Juvenile Justice and Delinquency Prevention (JJDP) Programs are being considered in the reauthorization process of the Juvenile Justice and Delinquency Act of 1974. As such, the Committee recommendation includes language that provides that funding included for these programs shall be subject to the provisions of any authorization legislation that is enacted and that any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

The Committee recommendation includes a total of \$145,000,000 for fiscal year 1997 for administrative expenses and grants to States and localities for projects in the areas of education, research, prevention and rehabilitation as follows:

1. \$5,000,000 for the Office of Juvenile Justice Programs (OJJJP) (Part A).

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

3. \$25,000,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C). Within the amount provided for Part C discretionary grants, the Committee expects the OJJJP to provide:

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

- \$2,300,000 for a grant to the Angel Gate Academy, a joint California National Guard/Los Angeles Unified Schools District program that provides an intensive residential program for middle-school students seriously at risk of involvement with the legal system;

- \$1,000,000 for the Teens, Crime and the Community Program; and

- \$1,900,000 for the National Institute for School/Community Violence which provides technical assistance and forms partnerships with rural and urban communities and their local schools to reduce violence in and around elementary and secondary schools.

4. \$11,000,000, the full amount requested, to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes.

5. \$10,000,000, the full amount requested, for Discretionary Grants for State Challenge Activities (Part E). This new program authorizes the OJJJP Administrator to award grants which could increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities included in this program. These challenge activities are designed to improve various aspects of a State's juvenile justice and delinquency prevention programs.

6. \$4,000,000, the full amount requested, for the Juvenile Mentoring Program (Part G). This program seeks to reduce juvenile delinquency, improve academic performance, and reduce

the drop-out rate among at-risk youth through the use of mentors. The program brings together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors.

7. \$20,000,000 for Incentive Grants for Local Delinquency Prevention Programs (Title V), which is the same amount provided in the current fiscal year and the full amount requested. These grants are transmitted through the State Advisory Groups to units of general local government for delinquency prevention programs and other activities for at-risk youth.

Within the amounts appropriated for discretionary grants under title II and title V of the JJDP Act, the Committee also expects the OJJP to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committee on its intentions for each proposal:

—A grant to Project O.A.S.I.S., a program designed to identify and provide accelerated delinquency intervention services to high risk Middle School and Junior High youths;

—A grant to expand in 3 to 5 sites, the Kids Peace National Center for Kids for its Intensive Treatment Family Program, which is an innovative community-based approach designed to provide individualized treatment and foster care to seriously emotionally disturbed children and adolescents referred by the juvenile justice system; and

—A grant to the Savannah Youth Futures Authority, Children at Risk Project, that serves 11 to 13 year old high risk youths and their families by providing family advocates and special activities and programs.

Victims of Child Abuse Act. The Committee recommends a total of \$4,500,000 for the various programs authorized under the Victims of Child Abuse Act (VOCA). In addition, funding of \$7,000,000 is provided for Victims of Child Abuse programs included under the Violence Against Women Program funded under State and Local Assistance, Violent Crime Reduction Programs. The total amounts recommended for Victims of Child Abuse Act is \$250,000 more than the amount provided in the current fiscal year and is the full amount requested in the budget. The following programs are included in the recommendation:

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

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

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

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

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

PUBLIC SAFETY OFFICERS BENEFITS

The Committee recommendation includes the requested language for death benefits under the Public Safety Officers Benefits program for fiscal year 1997, which will fully fund anticipated payments. This program provides a lump sum death benefit payment to eligible survivors of Federal, State and local public safety officers whose death was the direct and proximate result of a traumatic injury sustained in the line of duty.

The recommendation also includes \$2,200,000, the full amount requested, for lump sum payments to public safety officers who are permanently disabled in the line of duty.

GENERAL PROVISIONS DEPARTMENT OF JUSTICE

The Committee has included the following general provisions for the Department of Justice in this bill:

Section 101 provides language, included in previous appropriations acts, which makes up to \$45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Section 102 provides language, included in previous appropriations acts, which continues certain authorities for the Justice Department in fiscal year 1997 that were contained in the Department of Justice Authorization Act, fiscal year 1980.

Section 103 provides language, included in the appropriations acts last year and prior to 1994, which prohibits the use of funds to perform abortions in the Federal Prison System.

Section 104 provides language, included in previous appropriations acts, which prohibits use of the funds in this bill to require any person to perform, or facilitate the performance of, an abortion.

Section 105 provides language, included in previous appropriations acts, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Section 106 provides language, similar to that included in previous appropriations acts, which allows the Department of Justice to spend up to \$10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed \$2,000,000 per award.

Section 107 provides language, included in previous appropriations acts, which allows the Department of Justice, subject to the Committee's reprogramming procedures, to transfer up to 5 percent between any appropriation, except Justice Assistance, but limits to 10 percent the amount that can be transferred into any one appropriation.

Section 108 provides language, included in previous appropriations acts, which allows balances remaining in the Assets Forfeiture Fund after September 30, 1996 to be available to the Attorney General for any authorized purpose of the Department of Justice.

Section 109 adds new language as proposed by the Administration, to restructure quarterly fee payments for debtors under Chapter 11 of the Bankruptcy Code and to allow all fees collected from Chapter 7, 11 and 13 filings to be used as offsetting collections to

the U.S. Trustees program. Language is not included, as proposed by the Administration, to assess a surcharge on Chapter 13 trustees payments.

Section 110 adds language, that establishes the Telecommunications Carrier Compliance Fund for payments to telecommunications carriers and equipment manufacturers to implement technology changes required under the Communications Assistance for Law Enforcement Act. Additional explanation is provided under the Federal Bureau of Investigation.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

The Committee recommends a total of \$3,570,001,000 for the programs of the United States Trade Representative, the International Trade Commission and the Department of Commerce for fiscal year 1997. This amount is \$756,173,000 below the total request and is \$118,957,000 below the total amount appropriated for this title for fiscal year 1996.

The Committee has continued a structure initiated last year under this title that reflects the fundamental functions that will need to be considered as the overall administrative structure of these programs is examined. This reflects the Committee's effort to identify common functions in order to identify overlap and prioritize programs within these agencies and departments.

TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

The Committee has included under this section of title II, the Office of the U.S. Trade Representative, the International Trade Commission, and the Department of Commerce agencies responsible for trade promotion and enforcement and economic infrastructure development.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE SALARIES AND EXPENSES

The Committee recommends an appropriation of \$21,449,000 for the Office of the United States Trade Representative (USTR) for fiscal year 1997. This amount is equal to the budget request and a \$587,000 increase above the amount appropriated for fiscal year 1996, to replace wiring that is no longer able to support the computer and communications systems.

The Committee has maintained funding for USTR in order to allow it to continue to apply its resources toward monitoring and enforcement of over 180 trade agreements which have been negotiated in the last several years. The Committee believes that trade monitoring and enforcement is critical to ensure the success of negotiated trade agreements. The success of this enforcement policy should be reflected in a decline in the trade deficit, of which there has not yet been any evidence, given the fact that the trade deficit remains at an all time high.

The Committee is aware of concerns expressed about the Government of Mexico's daily limit on duty-free goods brought back across the U.S.-Mexican land border. The Committee is concerned about a lack of parity between U.S. and Mexican policies, and urges the U.S. Trade Representative to address this disparity in its bi-level discussions with Mexico and report back to the Committee on its efforts.

The Office of the United States Trade Representative is responsible for developing and coordinating U.S. international trade, commodity, and direct investment policy, and leading or directing negotiations with other countries on such matters.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The Committee recommends an appropriation of \$40,000,000 for the International Trade Commission for fiscal year 1997. This amount is equal to the appropriation enacted for the current fiscal year and is \$1,707,000 below the budget request. The amount is sufficient to support the Commission's requested staffing level which is a slight increase over the current on-board staffing level. However, the recommendation does not provide the requested increases for non-personnel activities for the Commission.

The International Trade Commission is an independent, quasi-judicial agency responsible for conducting trade-related investigations; providing the Congress and the President with independent, expert technical advice to assist in the development and implementation of U.S. international trade policy; responding to the Congress and the President on various matters affecting international trade; maintaining the Harmonized Commodity Description and Coding System of internationally accepted product nomenclature; providing technical assistance to eligible small businesses seeking remedies and benefits under the trade laws; and performing other specific statutory responsibilities ranging from research and analysis to quasi-judicial functions on trade-related matters.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The Committee recommends an appropriation of \$272,000,000 for the programs of the Commerce Department's International Trade Administration (ITA). The amount provided is an increase of \$3,723,000 above the request and an increase of \$7,115,000 above the amounts provided for fiscal year 1996, in order to continue most activities at or near fiscal year 1996 levels and to allow the U.S. and Foreign Commercial Service to maintain its current level of service.

The recommendation reflects the Committee's continuing support for our nation's core trade promotion, enforcement and related activities. The following table reflects the distribution of the Committee recommendation by subactivity:

[Dollars in thousands]

	FY 1996 en- acted	FY 1997 re- quest	FY 1997 rec- ommended
Trade Development	\$56,485	\$49,577	\$57,859
Int'l Economic Policy	18,400	19,587	18,400
Import Administration	29,200	30,513	29,500
US&FCS	162,800	168,600	168,241
Estimated Carryover	(2,000)	0	(2,000)
Total, ITA	\$264,885	268,277	272,000

The recommendation assumes full funding for both the domestic and international offices of the U.S. and Foreign Commercial Service, including annualization of the increases provided in fiscal year 1996 to complete the reorganization of the domestic field structure, including the four additional U.S. Regional Export Assistance Centers recently established. In addition, this level will allow the US&FCS to maintain their expanded presence in the big emerging markets overseas. While the amount provided for the US&FCS is a slight overall decrease below the request, the Committee expects that any reductions be absorbed within headquarters' policy and management functions.

The recommendation includes reductions below the request for the Import Administration and International Economic Policy. These reductions are to be absorbed within the policy and management functions of each activity.

The recommendation provides funding above the request for Trade Development. The recommendation includes \$10,000,000 for two export promotion programs related to the textile and apparel industries. Of this amount, \$7,000,000 is intended for the National Textile Center and \$3,000,000 is for the Textile/Clothing Technology Center (TC2), the same amounts as appropriated in fiscal year 1996. The recommendation provides for the additional functions assumed by the ITA in fiscal year 1996 within Trade Development, to be offset by the elimination of the Market Cooperator Development program. The Committee expects any reductions within Trade Development to be taken proportionately across all programs and functions.

Unfair Trade Practices.—The Committee supports efforts to ensure fair trading practices among all trading partners. The Committee expects the Commerce Department to utilize all statutory and administrative authorities, including the anticircumvention statutes, to ensure that there is no circumvention to an antidumping duty order. The Committee is aware of concerns raised about the Department's decision not to initiate an anticircumvention investigation with respect to standard pipe orders. The Committee requests that the Department of Commerce review its decision regarding this matter and report to the Committee on its findings by September 15, 1996.

Further, the Committee is concerned about possible price discrimination policies by lumber producers through the use of off-bill freight practices. The Committee expects the Department to conduct a review of Canadian lumber producer transportation practices to determine whether such practices result in subsidies or other practices that violate U.S. trade law. The Committee expects

this review to consider practices from 1990 to the present, and to report its finding to the Committee no later than May 1, 1997. The Committee encourages the Department to solicit comments and participation in this review from all interested parties.

Trade Promotion.—The Committee understands that the 1993 report of the Trade Promotion Coordinating Committee (TPCC) recommended a reduction in the number of trade events organized directly by the Federal government to eliminate duplication and encourage greater participation by States and the private sector. The Committee supports the ITA's efforts to privatize trade shows whenever possible, and urges ITA to consider privatizing the Cosmoprof trade show scheduled for April 1998. The Committee expects the Department to work with interested associations and organizations representing American manufacturers on this matter, and intends that ITA ensure all such shows are open to all interested business concerns.

In addition, the Committee recognizes and commends the successful conclusion of the direct investment trade agreement signed between the United States and the Government of Japan regarding the Technology Village Partnership (TVP) project. The goal of the TVP is to enable U.S. companies to have a manufacturing presence in Japan in order to gain access to the up-front design-in-process of Japanese manufacturers, Japan's distribution infrastructure, joint ventures, and many other marketing opportunities. The Committee requests that the Department of Commerce and ITA make recommendations on options to assist in the conclusion of the TVP's feasibility stage and to promote U.S. company participation in fiscal year 1997. The Committee requests that the Department and ITA expedite this review and report to the Committee on its recommendations.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The Committee recommends an appropriation of \$38,604,000 for the Operations and Administration appropriation of the Bureau of Export Administration. The amount provided is a decrease of \$5,047,000 below the amount requested, and equal to the amount appropriated for fiscal year 1996.

The Committee expects adjustments to base to be offset by reduced requirements related to the liberalization of export controls and a reduced licensing volume, as identified in the budget request. In addition, BXA is anticipated to have carryover balances of \$1,800,000 that could be used to fund its most critical program requirements. The Committee reminds BXA that expenditures of carryover balances are subject to the reprogramming procedures contained in section 605 of the accompanying bill.

The Committee has provided requested funding for BXA to assume its responsibilities for implementing the Fastener Quality Act. However, the Committee has not provided the requested funding increases related to the Chemical Weapons Convention Treaty because of ongoing delays in treaty ratification. Should there be additional progress in the international efforts to ratify the treaty,

the Committee is willing to entertain a reprogramming of funds for this purpose.

The Committee continues to support the upgrade and improvement of the BXA on-line licensing system as a way to eliminate bureaucratic delay and duplication in the licensing process. The Committee does not support recommendations to transfer the functions of this office to the Department of State or the Department of Defense.

ECONOMIC DEVELOPMENT ADMINISTRATION

The accompanying bill provides a total of \$348,500,000 for the programs and administrative expenses of the Economic Development Administration (EDA) for fiscal year 1997, as described below:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

A total of \$328,500,000 is recommended for fiscal year 1997 for Economic Development Assistance Programs. This amount is a \$5,000,000 decrease from the request and equal to the level provided in the current fiscal year and reflects a 20% decrease in funding for EDA programs since fiscal year 1995. The amount provided equals the funding level provided in reauthorization legislation approved by the House authorization committee last year.

The Committee supports reforms proposed in the reauthorization legislation that would ensure that assistance is targeted to the most economically distressed areas of the country. The Committee supports the continuation of the basic program to provide infrastructure investments, revolving loan funds, and technical assistance to economically distressed areas, particularly rural areas. The Committee believes such a program provides the "seed capital" to distressed areas to allow local communities to increase their ability to create new economic opportunities and jobs in accordance with local priorities.

Further, the Committee notes that the EDA has some flexibility to begin this process of reform, prior to enactment of reauthorization legislation. Therefore, the Committee expects the EDA, particularly in light of overall budget constraints, to take all necessary actions to ensure that funds provided under this account be targeted to the most severely distressed areas, which, absent the assistance provided by the EDA, would have little to no access to resources for critical infrastructure development and capacity building.

The Committee recommendation provides level funding for most EDA programs, with a slight increase for Title I Public Works and for defense conversion. The recommendation eliminates funding for the Trade Adjustment Assistance Center (TAAC) program, as requested in the budget. The TAAC program is duplicative of other technical assistance programs funded elsewhere in the bill, and in the Federal government, including the University Centers program, the Manufacturing Extension Program, and the Small Business Development Centers program.

The Committee continues its directive for EDA to discontinue the use of single purpose grant loans.

Language is included in the bill which allows the Secretary of Commerce to provide financial assistance to projects located on military bases that have been closed or scheduled for closure even prior to the grantee having taken title for the property in question. The language has been carried in the bill for the last three years.

The following table reflects the proposed distribution of the funds provided:

(In thousands of dollars)

	FY 1996	FY 1997 Re- quest	FY1997 Rec- ommended
Public works grants	\$165,200	\$155,000	\$168,700
Planning assistance	24,400	28,400	24,400
Technical assistance (including university centers)	18,400	11,400	9,900
Defense economic conversion	90,000	110,000	95,000
Research and evaluation	500	1,500	500
Economic adjustment grants	30,000	27,200	30,000
Total	\$328,500	\$333,500	\$328,500

SALARIES AND EXPENSES

The Committee recommends \$20,000,000 for the salaries and expenses of the Economic Development Administration. The amount provided is equal to the fiscal year 1996 level, and \$36,000 below the request. This funding level represents a 35% decrease in this account in the last two years. The Committee understands that reduced funding has required the agency to streamline, downsize, and increase its efficiency. The Committee believes that this streamlining will still enable the EDA to effectively serve economically distressed communities.

The Committee further believes that the strength of the EDA program results from the fundamental local character of the program. Therefore, the Committee expects the EDA to continue the successful system of utilizing the Economic Development Representatives to provide outreach, technical assistance, and guidance to local communities and to the regional EDA offices in the development and selection of projects.

The Committee has included language in the bill, which has been carried in previous years, which provides the authority to use this appropriation to monitor projects approved under Title I of the Public Works Employment Act of 1976, Title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The Committee recommends \$29,000,000 for the Minority Business Development Agency (MBDA) for fiscal year 1996. This amount is \$5,021,000 below the budget request and is \$3,000,000 less than the amount available for fiscal year 1996.

The Committee's recommendation reflects a 9 percent reduction for MBDA. Many of MBDA's and the Small Business Administration's (SBA) programs and activities are similar or duplicative. The Committee is concerned that MBDA and SBA have not made sufficient progress in the directives included in last year's report requir-

ing the MBDA and the SBA to work together and submit an implementation plan to the Committee for merger of duplicative activities. In particular, the Committee is concerned about possible overlap and lack of coordination among the agencies in the areas of technical assistance, capital formation, international trade, and information technologies.

The Committee is aware that the Department of Commerce and the Small Business Administration have recently formed an inter-agency working group to address these issues and develop plans for greater cooperation. Therefore, the Committee has recommended that \$3,000,000 be set-aside each from MBDA and SBA to be used for projects jointly developed, implemented, and administered. The Committee directs the interagency working group to submit a plan for the use of these funds no later than September 1, 1996. In addition, the Committee expects these agencies to submit a reprogramming in accordance with section 605 of this Act for use of this funding in accordance with this plan.

ECONOMIC AND INFORMATION INFRASTRUCTURE

The Committee has included under this section of the bill the Department of Commerce agencies responsible for the nation's basic economic and technical information infrastructure, as well as the administrative functions which oversee the development of telecommunications and information policy.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The bill provides \$45,900,000 for the economic and statistical analysis programs of the Department of Commerce, including the Bureau of Economic Analysis, for fiscal year 1997. This amount is \$7,610,000 less than the budget request and the same amount appropriated for the current fiscal year.

The Committee is concerned that the current national economic statistical accounts are out-dated, particularly in the areas of foreign trade and fast-growing economic sectors. The Committee believes highest priority should be given to improvement of the national economic statistical accounts. The Committee notes that an interagency planning process was conducted last year to develop a coordinated approach to improve the national economic statistical accounts. The Committee understands that ESA and BEA have begun to implement the plan's key recommendations within its existing resources by prioritizing and eliminating or privatizing certain functions. In light of the continuing budgetary constraints, the Committee expects ESA and BEA to continue these streamlining efforts in order to devote scarce resources to critical improvements in the national economic statistical accounts. In addition, the Committee intends that none of the funds provided under this appropriation, or under the Bureau of Census appropriation accounts, be used to carry out the Integrated Environmental-Economic Accounting or "Green GDP" initiative.

The Economic and Statistics Administration (ESA) is responsible for the collection, tabulation and publication of a wide variety of economic, demographic and social statistics and provides support to

the Secretary of Commerce and other Government officials in interpreting the state of the economy and developing economic policy. The Bureau of Economic Analysis and Under Secretary for Economic Affairs are funded in this account.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Committee has included language in the bill necessary for the continuation of a self-supporting revolving fund for data products of the Economics and Statistics Administration, as requested and as provided in fiscal year 1996.

The Economic and Statistics Administration operates a revolving fund for the payment of expenses incurred in the electronic dissemination of data, including the acquisition and public sale of domestic, federally-funded and foreign business, trade and economic information.

BUREAU OF THE CENSUS

The Committee recommends a total of \$338,717,000 for the Bureau of the Census for fiscal year 1997. This amount is a reduction of \$60,638,000 from the budget request, and an increase of \$55,000,000 above the amount provided for the current fiscal year.

SALARIES AND EXPENSES

The bill provides \$133,617,000 for the Salaries and Expenses of the Bureau of the Census for fiscal year 1997. This amount is \$17,048,000 less than the budget request, and is equal to the amount provided for fiscal year 1996.

The Committee understands that the Census Bureau, in cooperation with the Bureau of Economic Analysis, was involved in an interagency strategic planning process to improve the national economic statistical accounts. For years, the Committee has urged the Bureau to re-evaluate and reprioritize its programs, and eliminate or privatize low-priority programs, but has failed to see sufficient progress on this front. The Committee believes improvements in these areas should be a top priority of the Census Bureau, and notes that the BEA has already undertaken a successful effort to reprioritize its programs in order to devote additional resources to these areas. The Committee believes the Census Bureau, working with BEA, should undertake a similar streamlining process, and directs the Bureau to conduct such a review and report back to the Committee, no later than November 1, 1996, with a plan to streamline its programs and implement improvements in the national economic statistical accounts.

This appropriation provides for the current statistical programs of the Bureau of the Census, which include the measurement of the Nation's economy and the demographic characteristics of the population. These programs are intended to provide a broad base of economic, demographic, and social information used for decision making by governments, private organizations, and individuals. The Committee expects the Bureau to be fully reimbursed for any survey requested by any other Federal agency or private organization.

PERIODIC CENSUSES AND PROGRAMS

The Committee recommends \$205,100,000 for periodic censuses and related programs for fiscal year 1996. This amount is a reduction of \$43,590,000 from the budget request and an increase of \$55,000,000 above the amount provided for fiscal year 1996.

This appropriation account provides for decennial and quinquennial censuses, and other programs which are cyclical in nature. Additionally, individual surveys are conducted for other Federal agencies on a reimbursable basis.

The following chart represents the distribution of funding provided by the recommendation:

Economic censuses	\$25,000,000
Census of governments	2,000,000
Intercensal demographic estimates	5,400,000
Year 2000 Decennial census	84,110,000
Continuous measurement	11,000,000
Sample redesign	3,800,000
CASIC	6,000,000
Geographic Support	43,000,000
Data processing systems	24,790,000
Total	205,100,000

The Committee remains concerned that the Bureau has failed to take sufficient steps to establish priorities given the budgetary realities facing the Federal government. While the Committee supports the progress the Bureau has made in eliminating certain programs from its budget, more needs to be done. Therefore, the Committee directs the Bureau to undertake a thorough review of all of the non-decennial programs funded in this account, and submit a long-term implementation plan to the Committee no later than November 1, 1996 for privatizing and/or eliminating unnecessary or low priority programs to enable the Bureau to continue meeting its mandates in an era of reduced budgets.

Year 2000 Census.—The Committee has provided a \$55,000,000 increase in the overall account for decennial-related activities, including a \$35,285,000 increase for the Year 2000 Decennial Census.

The Committee's experience with the 1990 Decennial Census was that it cost too much, was over budget, and produced results that have been questioned ever since. The Committee is concerned that the Census Bureau does not have a plan in place that accurately predicts and budgets for the costs of the Year 2000 Census, regardless of the methodology chosen. The Committee is concerned that the Bureau appears not to have developed options and alternative plans to address issues of accuracy and cost that would be of utmost utility to the Committee and the Congress. Therefore, the Committee expects the Bureau, in consultation with the appropriate authorizing committees, to develop and submit a plan to the Committee for expenditure of the increases provided in accordance with Section 605 of the accompanying bill, prior to expenditure of such funds.

Further, the Committee is disturbed that sufficient progress has not been made on issues the Committee has highlighted many times—the number of questions included in the long-form, and reimbursement from other agencies for inclusion of such questions to

assure that the question is important and useful enough to warrant the requesting agency's willingness to pay for it. Therefore, the Committee expects the Bureau, working with the Office of Management and Budget, to submit a plan, not later than September 1, 1996, to include the following: (1) allocation of the costs of long-form among the federal users of this data; (2) number of questions proposed for elimination and the necessary statutory changes required.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

The Committee recommends a total of \$46,740,000 for the National Telecommunications and Information Administration (NTIA) for fiscal year 1997. This amount is \$41,235,000 less than the budget request, and is \$7,260,000 less than the amount appropriated for the current fiscal year.

SALARIES AND EXPENSES

The Committee recommends \$15,000,000 for the Salaries and Expenses appropriation of the National Telecommunications and Information Administration. This amount is a reduction of \$3,478,000 from the budget request, and a decrease of \$2,000,000 below the amount appropriated for fiscal year 1996. The Committee recommendation assumes an additional \$5,000,000 will be available to the NTIA through reimbursements from other agencies for the costs of providing spectrum management, analysis and research services to those agencies, thus providing NTIA with its full base budget in fiscal year 1997. The Committee notes that actual cost to NTIA for providing spectrum-related services to its customers is in excess of \$12,000,000. The Committee expects NTIA to work with the Office of Management and Budget and its Federal customers to achieve full reimbursement for this function, and expects the fiscal year 1998 budget to move substantially in the direction of full cost recovery for these functions.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

The Committee recommends \$10,250,000 for planning and construction grants for public television, radio, and non-broadcast facilities. The Committee recommendation is a decrease of \$5,250,000 below the amount appropriated for this program in fiscal year 1996, and an increase of \$2,250,000 above the budget request. This amount will allow the continuation of the existing equipment and facilities replacement program although at a decreased level from fiscal year 1996.

While the Committee expects non-Federal funds to be used to the maximum extent possible in the maintenance of this infrastructure, the Committee notes that in many areas, particularly rural or disadvantaged locales, there are insufficient resources to provide for maintenance and upgrades of the facilities. Therefore, the Committee has provided funding above the request for this program to ensure that adequate resources are available to maintain a targeted program for areas where alternative financing is not available.

The Committee has included language in the bill which permits not to exceed \$1,500,000 to be available for program administration as authorized by law, as well as language carried in the appropriations bill for many years which permits prior year unobligated balances to be available for grants for projects for which applications have been submitted and approved during any fiscal year.

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

The Committee recommends no funding for the Endowment for Children's Television for fiscal year 1997. No funding was provided to this program in fiscal 1996. The budget requested \$2,497,000 for this program in fiscal year 1997.

These grants are duplicative of programs funded under other agencies and through the private sector and have no relationship to other NTIA mission activities.

INFORMATION INFRASTRUCTURE GRANTS

The Committee recommends \$21,490,000 for the Information Infrastructure Grants program for demonstrations of new telecommunications technology applications. This amount is \$37,510,000 below the budget request, and a decrease of \$10,000 below the amount available for fiscal year 1996.

The Committee has also included language in the bill, carried in fiscal year 1996, making \$3,000,000 of the funds provided under this heading available for program administration and related program support activities. The bill also includes recommended bill language which will allow up to five percent of this appropriation to be available for telecommunications research activities directly related to the development of a national information infrastructure (NII).

The Committee believes this program adds an important element to the development of the national information superhighway. The Committee believes the national information superhighway will be of particular value to underserved and rural areas. This emerging telecommunications infrastructure will allow more remote areas to gain access to enhanced education, health care, and social services, as well as provide enhanced economic opportunities. Therefore, the Committee expects NTIA to give particular consideration to applications which would lead to increased telecommunications access in areas where such service is not readily available.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The bill provides \$100,000,000 for the Salaries and Expenses appropriation of the Patent and Trademark Office (PTO). The amount provided is to be appropriated from amounts paid into the Patent Fee Surcharge Fund. This amount is a decrease of \$15,000,000 below the budget request, and is \$18,748,000 above the amount provided from the Fund for fiscal year 1996. The amount included in this bill is in addition to the anticipated offsetting fee collections of \$601,723,000 available directly to the Patent and Trademark Office, resulting in a total availability of \$701,723,000 for fiscal year 1997, compared to \$614,470,000 for the current fiscal year. The

Committee has provided this increase in recognition of the critical role the PTO plays in spurring technological development and U.S. competitiveness.

However, as has been the practice in previous years, the Committee has not provided the total amount requested from the Patent Fee Surcharge Fund for fiscal year 1997. The Committee is scored against its overall funding allocation for appropriating fees from this Special Fund and must give this account the same consideration as other funding requests when determining appropriate funding levels. The Committee recommendation will result in a total of \$103,652,000 in cumulative unappropriated balances available in the Patent Fee Surcharge Fund. The Committee notes that this situation was created under the Omnibus Budget Reconciliation Act (OBRA) of 1990, and continued in OBRA of 1993, under which the increase in patent fees was diverted to offset the Federal deficit through fiscal year 1998.

The Committee is concerned that legislation soon to be considered by the Congress will extend this practice through the year 2002. This legislation may exacerbate this shortfall in funding by providing the proposed PTO government corporation authority to borrow, subject to appropriations, to meet up to \$700,000,000 in facility and automation needs. Given declining discretionary spending caps, this may not be a realistic approach to addressing PTO's needs.

The Committee is very concerned about the decision by the Commissioner of Patents and Trademarks to enter into an agreement with the People's Republic of China to share the United States patent database, and the impact this agreement may have on the integrity of the U.S. system and potential for piracy of U.S. innovations. The Committee intends that none of the funds in this account be used to implement this agreement, and expects the PTO to submit a report, not later than November 1, 1996, on the amount of resources spent to date on this agreement and the status of its implementation.

The Patent and Trademark Office is charged with administering the patent and trademark laws of the United States. PTO examines patent applications, grants patent protection for qualified inventions, disseminates technological information disclosed in patents. PTO also examines trademark applications and provides Federal registration to owners of qualified trademarks.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The Committee recommends a total of \$468,400,000 for the appropriations accounts under the National Institute of Standards and Technology (NIST) for fiscal year 1997. This amount is a reduction of \$357,584,000 from the budget request, and is a decrease of \$151,174,000 below the amounts appropriated for fiscal year 1996. A description of each account and the Committee recommendation follows:

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The Committee has provided \$268,000,000 for the Scientific and Technical Research and Services (core programs) appropriation of the National Institute of Standards and Technology. This amount is a reduction of \$2,744,000 from the budget request and an increase of \$9,330,000 above the fiscal year 1996 appropriation. The amounts provided for this account reflect the Committee's continuing commitment to providing resources for basic research programs that benefit the nation's industries. The Committee notes that, in an era of declining budgets, the core programs of NIST have received significant support, and are one of the few programs in the Department to receive an increase over the current fiscal year.

The following is a breakdown of the amounts provided under this account by activity, reflecting the priorities included in the budget request and in the House-passed Omnibus Civilian Science Authorization (H.R. 3322). This distribution should be used as the basis for any proposed reprogramming of funds:

Electronics and Electrical Engineering	\$37,100,000
Manufacturing Engineering	18,500,000
Chemical Science and Technology	32,000,000
Physics	27,000,000
Material Sciences and Engineering	52,000,000
Building and Fire Research	12,000,000
Applied Mathematics & Scientific Computing	41,500,000
Technology Assistance	18,000,000
Baldrige Quality Awards	2,900,000
Research Support	27,000,000
Total, STRS	268,000,000

The Committee remains concerned about the rapid growth of overseas personnel from non-foreign affairs agencies. The Committee continues the directive included in last year's report disapproving of the placement of any additional NIST personnel overseas.

Quality Program.—The Committee has provided \$2,900,000 for the base NIST Quality Program, which includes the Malcolm Baldrige National Quality Award. The Committee fully endorses the continuation of the basic Baldrige award program, but has not provided funds to support any new programs.

INDUSTRIAL TECHNOLOGY SERVICES

The Committee recommends \$200,400,000 for the Industrial Technology Services appropriation of the National Institute of Standards and Technology. This amount is \$100,527,000 below the current appropriation available for fiscal year 1996, and is \$249,600,000 below the budget request.

Manufacturing Extension Partnership Program: The Committee has included \$89,900,000 for the Manufacturing Extension Partnership (MEP) Program. The recommendation provides the following:

Regional Programs	\$81,100,000
National Programs/Administration	8,800,000
Total, MEP	89,900,000

The recommendation provides the full amount requested for continuation of eligible existing centers, including the rollover costs of the remaining 15 Centers originally funded under the Technology

Reinvestment Program under the Defense Department. The bill does not include proposed language allowing the Centers that have already reached their statutory six-year time limitation to continue to be funded beyond their current six-year contract. The Committee believes such a change is more appropriately addressed through the authorization process. The Committee notes that reauthorization for the MEP program, which recently passed the House, did not include any changes to this statutory limitation.

The Committee is aware that NIST is currently in the process of completing the final competition for new Centers, and encourages NIST to give special consideration to locating additional Centers in rural areas to ensure that such areas have access to these services.

Advanced Technology Program: The Committee provides \$110,500,000 for the Advanced Technology Program (ATP). The recommendation includes bill language prohibiting the use of any funds, including prior year carryover, from being used for new competitions. The recommendation provides sufficient funding to pay the continuation costs of awards previously made to small businesses which are least likely to have available private financing. The Committee notes that of the 280 ATP awards made to date, major U.S. corporations have been the beneficiary, in whole or part, of 51% of all awards. Some major corporations have benefited from as many as 18 awards. In light of its commitment to balance the federal budget, the Committee cannot justify the expenditure of scarce federal resources to provide grants to supplement the R&D budgets of major corporations which have the very best access to private sources of financing and are the ultimate beneficiaries of the successful commercialization of these projects.

CONSTRUCTION OF RESEARCH FACILITIES

The Committee does not recommend any new funding under this account for construction of NIST facilities. This amount is a decrease of \$59,977,000 below the amount appropriated for the current fiscal year, and is \$105,240,000 below the budget request.

Last September, at a time when Congress was considering a rescission of \$152,933,000 in this account, NIST obligated \$51,600,000 in balances in this account. The Committee discovered these funds were obligated for long-term design and construction management activities for work that may not begin for several years, if at all. A review by the Department's Inspector General determined that \$31,800,000 of these funds were obligated in violation of federal government contracting regulations and were of questionable programmatic value. The Committee does not find acceptable the obligation of funds for projects that have not yet been given final approval by the Congress, and in a manner which violated federal government contracting regulations.

The Committee understands that the Department, in response to the Inspector General's findings, has now determined that at least \$20,000,000 of the \$31,800,000 originally considered obligated are not, in fact, obligated and will carry over into fiscal year 1997 and be available for expenditure for other purposes. Therefore, the Committee has provided no additional funding for this appropriation. The Committee expects NIST to utilize the \$20,000,000 in un-

obligated funds to meet NIST's high-priority facilities maintenance projects.

In addition, the Committee is concerned that NIST has failed to realistically prioritize its short and long-term facilities needs to reflect budgetary realities, although directed to do so in the fiscal year 1996 House report. While supportive of efforts to address the technical obsolescence of NIST facilities, the Committee believes a reassessment is necessary in light of reduced program and staffing levels and overall fiscal constraints. Thus, the Committee has provided no funding for new construction projects. The Committee is deferring action on additional major construction projects for NIST, pending a re-evaluation by NIST of its long-term facilities needs.

This program supports all NIST activities by providing the facilities necessary to carry out the NIST mission. The Institute has proposed a multiyear effort to construct advanced technology laboratories and to renovate NIST's current buildings and laboratory facilities in compliance with more stringent science and engineering program requirements.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The Committee recommends a total of \$1,778,846,000 in new budget (obligational) authority for the eight appropriation items of the National Oceanic and Atmospheric Administration (NOAA), transfers totaling \$66,000,000 and fees totaling \$3,000,000. This amount is a decrease of \$243,383,000 below the budget request for these items and a decrease of \$79,915,000 below the amounts appropriated under these accounts for fiscal year 1996.

OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFERS OF FUNDS)

The bill includes \$1,738,200,000 in new budget (obligational) authority for the fisheries, marine, weather, environmental, satellite, and other programs funded in this appropriation. This amount is a reduction of \$236,015,000 from the budget request and is a decrease of \$55,584,000 below the amount appropriated for fiscal year 1996.

In addition to the new budget authority provided, the Committee recommends a transfer of \$66,000,000 from balances in the account entitled, "Promote and Develop Fishery Products and Research Pertaining to American Fisheries." This amount is equal to the balances in the fund, and is \$4,932,000 above the budget request. The recommendation assumes that the full amount of transfers into the Promote and Develop Fund in fiscal year 1997 will be transferred to this appropriation. In addition, the Committee understands that as much as \$11,000,000 derived from carryover balances from previous years will remain in the Promote and Develop Fund in fiscal year 1997 to support the Saltonstall-Kennedy grant program. The total amount provided also includes a transfer of \$5,276,000 from the Damage Assessment Revolving Fund, as included in the budget request. In addition, the recommendation expects NOAA to use

\$1,700,000 from the Federal Ship Financing Fund to cover administrative expenses related to that account.

Language is included in the bill which allows NOAA to collect additional fees to recover some of the costs of administering the aeronautical charting program. The language allows these fees to be credited to this appropriation as offsetting collections, and will result in a final appropriation from the General Fund of \$1,735,200,000. The bill also includes language allowing NOAA to retain gifts and contributions made under the Marine Sanctuary Program. The Committee expects NOAA to fully utilize the authorities provided for both of these programs.

Language is also included in the bill establishing a maximum level of \$2,000,000 per State under the Coastal Zone Management administrative grant program. This is similar to language included in previous years appropriations acts.

The Committee recommendation reflects prior year deobligations and carryover funding totaling \$29,000,000. The Committee is increasingly concerned with NOAA's inability to accurately project its funding requirements for any given fiscal year. In response to a request from the Committee earlier this year for estimated carryover balances, NOAA responded that it would have no carryover from fiscal year 1996 into fiscal year 1997. Yet, in the last five years, NOAA's carryover has ranged from \$34,000,000 to \$92,000,000. Further, as of March 31, 1996, only 37 percent of funds in the NOAA ORF account had been obligated, and recent estimates now indicate NOAA will have \$25,000,000 in funding carrying over into fiscal year 1997. The Committee notes that NOAA created and filled the new position of Chief Financial Officer prior to seeking Committee approval. The Committee expects the NOAA CFO to take immediate steps to address its serious budgeting, accounting and financial management problems. The Committee stresses that, particularly given the budget constraints, it is critical that NOAA accurately project its yearly funding needs. Therefore, the Committee directs NOAA, through the Department of Commerce, to submit an operating plan for expenditure of funds available to NOAA in fiscal year 1997 based on the Committee's distribution as shown in the accompanying table, by January 15, 1997, and to report to the Committee on a quarterly basis, the status of obligations against the Committee's distribution.

The Committee continues to be concerned by the failure of NOAA to respond to its requests for cooperation in certain matters, and failure to follow up on information requests made by the Committee. Further, the Committee continues to be concerned with the cavalier approach NOAA takes to directions given in the Committee report, particularly direction related to items not included in the budget request. The Committee expects NOAA to follow the direction given in this section of the report as well as the sections addressing the Committee's reprogramming requirements.

The Committee wants to expeditiously complete a revised budget structure that meets the needs of the Committee and NOAA management, as directed in both the House Report (H. Rept. 104-196) and the Statement of Managers of the Conference Report accompanying the fiscal year 1996 appropriations Act. The Committee expects the Department of Commerce and NOAA to develop a revised

budget structure that displays the amounts requested under a true program office and activity structure and to use this structure in the submission of its fiscal year 1997 budget request. This budget structure should identify and segregate amounts requested for headquarters and field office components of various activities as well as indicate the amounts intended for external grants and contracts. The Committee reiterates its directive and expects the Department and NOAA to immediately take action to develop this structure for inclusion in its submission of the fiscal year 1998 budget request. The Committee expects the Department and NOAA to develop this budget structure in consultation with the Committee on Appropriations and the appropriate authorization committees, and expects the Department and NOAA to report back to the Committee no later than August 15, 1996 as to the progress of development of this revised budget structure.

Language is included in the bill specifying the total amount of direct obligations available for each of the six NOAA activities funded through this account. The Committee has taken this action to provide greater clarity and accountability in budgeting and management for the diverse activities funded in this account.

The following table compares the Committee recommendation to the 1996 enacted appropriation and the fiscal year 1997 budget request for the activities, sub-activities, and projects funded in this appropriation.

The following changes have been made to the accompanying table to reflect NOAA's changing operational requirements:

Phase-out of the NOAA Corps.—On January 25, 1996, in response to the Vice-President's reinventing government initiative, the Administrator of NOAA announced the elimination of the NOAA commissioned Corps in fiscal year 1997. Therefore, the Committee recommendation includes language in the accompanying bill, providing for a phase out of the NOAA Corps by the end of fiscal year 1997. The recommendation places a limitation of not to exceed 200 commissioned officers as of April 1, 1997, and no commissioned officers as of September 30, 1997. The Committee understands that legislative changes are necessary to facilitate this action, and is disturbed that NOAA has yet to transmit its legislative package to the Congress detailing the necessary statutory changes. The Committee urges NOAA to move expeditiously to provide the proposed legislation to Congress by August 1, 1996.

The Committee notes that NOAA is estimated to have 315 commissioned officers on-board at the beginning of fiscal year 1997, of which 124 will be eligible for retirement if the agency makes use of all the statutory retirement authorities provided. These retirements will enable NOAA to achieve additional permanent FTE reductions and budgetary saving. Therefore, it is the Committee's expectation that this phase out will result in significant permanent FTE reductions and budgetary savings.

Elimination of Marine Services.—As NOAA's fleet continues to age and NOAA-owned vessels are taken out of service, the agency is seeking services for acquisition of data from private contractors and/or in conjunction with academic research vessels. This situation will become even more critical as the overall fiscal constraints preclude major investments in the replacement of vessels. Now,

more than ever, it is critical that NOAA seek alternatives to meet its data collection needs. Previously, NOAA-wide data acquisition activities were centralized under the Marine Services subactivity within Program Support which then allocated ship-time to the NOAA line offices. The Committee eliminates the separate Marine Services item and provides funding directly to the line offices (NOS, NMFS, and OAR) under a new line item, Data Acquisition. The Committee believes that the program managers in the line offices are best equipped to determine how to meet their operational needs, and believes that providing funding directly to the line offices creates an incentive for program managers to acquire ship-time and data in the most cost-effective and efficient manner. The Committee intends that the line offices have full discretion in determining how best to meet their data collection needs in the most cost-effective manner whether that is the use of contracting for private services, the use of other government or academic vessels, or the use of existing NOAA vessels. The Committee does not intend for NOAA to use this funding simply to support the status quo when determining whether to contract out for services. To facilitate contracting out, the Committee encourages the Secretary to use the study waiver provision of OMB Circular A-76 to the greatest possible extent when sufficient cost comparison information is available, including information provided by the Department of Commerce Inspector General.

NOAA OPERATIONS, RESEARCH, AND FACILITIES

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FY 1997 BUDGET

(In thousands of dollars)

	FY 1996 Appropriation	FY 1997 Request	FY 1997 House Allowance
NATIONAL OCEAN SERVICE			
Navigation Services:			
Mapping and Charting	36,500	38,586	38,000
Geodesy	20,167	20,330	20,330
Tide and Current Data	11,000	11,679	11,000
Total, Navigation Services	67,667	70,595	69,330
Ocean Resources Conservation and Assessment:			
Estuarine and Coastal Assessment	2,674	2,674	2,674
Ocean assessment program	21,925	24,204	12,600
Damage assessment	1,200	3,200	2,200
Transfer from Damage Assessment Fund	6,550	5,276	5,276
Oil Pollution Act of 1990	1,000	1,000	1,000
Ocean Services	3,000	3,000	2,500
Subtotal	36,349	39,354	26,250
Coastal Ocean Science: Coastal ocean program	11,500	14,841	11,700
Total, Ocean Resources Conserv. & Assess	47,849	54,195	37,950
Ocean and Coastal Management:			
Coastal Management:			
CZM grants	46,200	46,200	46,200
Estuarine research reserve system	1,000	4,088	1,000
Nonpoint pollution control		2,552	

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FY 1997 BUDGET—Continued

(In thousands of dollars)

	FY 1996 Appropriation	FY 1997 Request	FY 1997 House Allowance
Subtotal	47,700	52,840	47,200
Ocean Management:			
Marine sanctuary program	11,685	11,876	10,000
Subtotal	11,685	11,876	10,000
Total, Ocean and Coastal Management	59,385	64,716	57,200
Acquisition of Data ¹			16,495
Total NOS	174,901	189,506	180,975
NATIONAL MARINE FISHERIES SERVICE			
Information Collection & Analyses:			
Resource Information	83,171	95,285	87,000
Antarctic research	1,200	1,200	1,200
Chesapeake Bay Studies	1,500	1,500	1,890
Right whale research	200	200	200
MARFIN	3,000	3,000	3,000
SEAMAP	1,200	1,200	900
Alaskan groundfish surveys	661	661	661
Bering Sea pollock research	945	945	945
West Coast groundfish	780	780	780
New England stock depletion	1,000	1,000	1,000
Hawaii stock management plan	500		
Yukon River chinook salmon	700	700	700
Atlantic salmon research	710	710	500
Gulf of Maine groundfish survey	567	567	567
Dolphin/Yellowfin Tuna Research	250	250	250
Habitat research/evaluation	450	450	450
Pacific salmon treaty program	5,587	5,587	5,000
Fisheries Cooperative Inst.	410	410	410
Hawaiian monk seals	500	500	
Stellar sea lion recovery plan	1,440	1,440	1,440
Hawaiian sea turtles	240	240	
Bluefish/Striped Bass			785
Halibut/Sablefish	1,200	1,200	1,200
Gulf of Mexico Mariculture			300
Subtotal	107,461	117,825	109,178
Fishery Industry Information:			
Fish statistics	13,000	13,481	13,000
Alaska groundfish monitoring	5,200	5,200	5,200
PACFIN/catch effort data	3,000	3,000	3,000
Rec. fishery harvest monitoring	2,900	2,900	2,900
Subtotal	24,100	24,581	24,100
Information Analyses & Dissemination	20,913	21,471	18,400
Computer hardware and software	4,000	4,000	4,000
Subtotal	24,913	25,471	22,400
Total, Info., Collection, & Analyses	156,474	167,877	155,678
Conservation and Management Operations:			
Fisheries Management Programs	19,500	25,597	18,000
Columbia River hatcheries	10,300	10,300	9,000
Columbia River end. species studies	288	288	144

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FY 1997 BUDGET—Continued

(In thousands of dollars)

	FY 1996 Appropriation	FY 1997 Request	FY 1997 House Allowance
Regional councils	10,200	10,200	9,500
International fisheries commissions	400	400	400
Management of George's Bank	478	478	478
Beluga whale committee	200	.....	200
Pacific tuna management	1,500	1,500	1,500
Subtotal	42,866	48,763	39,222
Protected Species Management	6,225	6,750	5,000
Driftnet Act implementation	3,278	3,278	2,500
Marine Mammal Protection Act	9,000	10,250	8,000
Endangered Species Act recovery plan	13,000	14,800	7,000
Fishery observer training	417	.....	417
East Coast observers	350	350	350
Subtotal	32,270	35,428	23,267
Habitat Conservation	8,000	10,300	8,000
Enforcement & Surveillance	15,800	17,790	15,800
Total, Conservation and Mgmt. Opns	98,936	112,281	86,289
State and Industry Assistance Programs:			
Interjurisdictional fisheries grants	2,600	2,600	2,000
Anadromous grants	2,108	2,108	1,000
Anadromous fishery project	250	250	.....
Interstate fish commissions	4,000	4,000	4,000
Subtotal	8,958	8,958	7,000
Fisheries Development Program:			
Product quality and safety/Seafood Inspection	14,624	14,624	14,000
Hawaiian Fisheries Development	750	.....	.....
Marine Biotechnology	1,900	1,900	.....
Subtotal	17,274	16,524	14,000
Total, State & Industry Assist. Progs	26,232	25,482	21,000
Acquisition of Data ¹ .....	.....	.....	29,940
Total, NMFS	281,642	305,640 ³	292,907
OCEANIC AND ATMOSPHERIC RESEARCH			
Climate and Air Quality Research:			
Interannual & Seasonal/Climate & Global	65,500	76,712	67,000
GLOBE .....	.....	7,000	.....
Subtotal .....	.....	83,712	67,000
Long-Term Climate & Air Quality Research	27,272	29,402	27,272
VENTS	2,500	.....	.....
High Performance Computing	6,500	9,567	6,500
Subtotal	36,272	38,969	33,772
Total, Climate and Air Quality	101,772	122,681	100,772
Atmospheric Programs:			
Weather Research	33,613	33,905	33,613

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FY 1997 BUDGET—Continued

(In thousands of dollars)

	FY 1996 Appropriation	FY 1997 Request	FY 1997 House Allowance
Wind profiler	4,350	4,350	4,350
Subtotal	37,963	38,255	37,963
Solar/Geomagnetic Research	5,483	5,511	5,219
Total, Atmospheric Program	43,446	43,766	43,182
Ocean and Great Lakes Programs:			
Marine Prediction Research	10,226	9,608	10,608
GLERL	5,200	5,200	5,200
Great Lakes sea lampricide			4,099
VENTS		2,500	
Subtotal	15,426	17,308	19,907
Sea Grant:			
Sea grant college program	53,300	48,793	53,300
Subtotal	53,300	48,793	53,300
Undersea Research Program:			
NOAA Undersea Research Program	12,000		
Subtotal	12,000		
Total, Ocean & Great Lakes Programs	80,726	66,101	73,207
Acquisition of Data ¹			14,665
Total, OAR	225,944	232,548	231,826
NATIONAL WEATHER SERVICE			
Operations and Research:			
Local Warnings and Forecasts	405,300	399,020	387,020
Radiosonde replacement		4,255	
Susquehanna River Basin Flood Sys	669	669	1,000
Aviation forecasts	35,596	35,596	35,596
Regional climate centers	2,000		2,000
Subtotal	443,565	439,540	425,616
Central Forecast Guidance	28,193	29,543	28,193
Atmospheric and Hydrological Research	2,000	2,589	2,000
Total, Operations and Research	473,758	471,672	455,809
Systems Acquisition:			
Public Warning and Forecast Systems:			
NEXRAD	53,335	53,145	53,145
ASOS	16,952	10,056	10,056
AWIPS/NOAAPort	50,000	119,800	100,000
Computer Facility Upgrades	12,000	15,993	14,000
Total, Systems Acquisition	132,287	198,994	177,201
Total, NWS	606,045	670,666	633,010

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FY 1997 BUDGET—Continued

(In thousands of dollars)

	FY 1996 Appropriation	FY 1997 Request	FY 1997 House Allowance
NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE			
Satellite Observing Systems:			
Polar spacecraft and launching	174,765	147,644	147,300
Polar convergence/IPO	39,500	78,200	19,000
Geostationary spacecraft and launching	153,106	205,922	171,480
Ocean remote sensing	4,000	1,552	.....
Environmental observing services	49,000	53,615	49,000
Total, Satellite Observing Systems	430,371	486,933	386,780
Environmental Data Management Systems	29,865	30,098	30,002
Data and Information Services	11,300	14,800	14,800
Total, EDMS	41,165	44,898⁴	44,802⁴
Total, NESDIS	471,536	531,831	431,582
PROGRAM SUPPORT			
Administration and Services:			
Executive direction and administration	20,000	19,512	17,520
Systems Program Office (SPO)	1,500	1,497	1,497
Subtotal	21,500	21,009	19,017
Central Administrative Support	33,000	35,573	31,000
Retired Pay Commissioned Officers	7,706	8,112	7,706
Total, Administration and Services	62,206	64,694	57,723
Marine Services ²	61,100	56,292	.....
Aircraft Services	9,153	10,182	9,153
Total, Aircraft Services	9,153	10,182	9,153
Total, PS	132,459	131,168	66,876
Direct Obligations	1,892,927	2,061,539	1,837,176
Reimbursable Obligations	309,715	310,515	313,515
New offsetting collections (data sales) .....	.....	1,200	1,200
Anticipated Collections	3,000	3,000	3,000
Subtotal—Reimbursables	312,715	314,715	317,715
Total obligations	2,205,642	2,376,074	2,154,891
Financing:			
Deobligations	(29,000)	(13,800)	(29,000)
Fish Fees .....	.....	(10,000)	.....
Unobligated balance transferred, net	(2,650)	.....	.....
Federal Ship Financing Fund expenses	(1,700)	.....	(1,700)
New offsetting collections (data sales) .....	.....	(1,200)	(1,200)
Anticipated offsetting collections	(3,000)	(3,000)	(3,000)
Federal funds	(272,207)	(282,500)	(282,500)
Non-federal funds	(37,508)	(31,015)	(31,015)
Subtotal—financing	(346,065)	(341,515)	(348,415)
Budget authority	1,859,577	2,037,559	1,806,476

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FY 1997 BUDGET—Continued

(In thousands of dollars)

	FY 1996 Appropriation	FY 1997 Request	FY 1997 House Allowance
Financing from:			
Promote and develop American fisheries	(63,000)	(61,068)	(66,000)
Damage assessment & restoration revolving fund	(3,900)	(5,276)	(5,276)
Appropriation, ORF	1,792,677	1,971,215	1,735,200

¹Funding for this item previously appeared under Marine Services in Program Support.²Funding for this item appears under Acquisition of Data in NOS, NMFS, and OAR.³Budget request assumed \$10,000,000 of this amount to be derived from new fisheries fees.⁴In addition to the direct appropriation provided in this item, the budget assumes up to \$1,200,000 in additional funding will be available for this activity through increased fee collections from data sales.

NATIONAL OCEAN SERVICE

The Committee has included a total of \$180,975,000 for activities of the National Ocean Service (NOS) for fiscal year 1997, instead of \$174,901,000 provided for fiscal year 1996 and \$189,506,000 as requested.

The preceding table reflects a reordering of the budget structure for NOS navigation-related activities to correspond more closely with the current NOS organizational and operational structure.

Navigation Services.—The Committee has included \$69,330,000 for NOAA's navigation services programs. This amount represents a \$1,663,000 increase over the current fiscal year, and \$1,265,000 below the request for these activities and programs. The accompanying table renames the Mapping, Charting and Geodesy subactivity "Navigation Services" to more clearly identify NOAA's navigation safety-related functions. In addition, the program previously named Observation Prediction under the Observation and Assessment subactivity is renamed and placed under Navigation Services as "Tide and Current Data".

Mapping and Charting.—The Committee remains committed to the navigation safety programs of NOS. The \$1,500,000 increase provided for mapping and charting functions will allow NOS to further increase the percentage of critical areas surveyed and hasten the implementation of NOAA's new digital charting system. The Committee notes that the level provided for this program reflects an 18 percent increase over the last two years. Further, the Committee expects NOAA to use not less than \$6,000,000 of the funding provided to contract out with the private sector to conduct mapping and charting activities to ensure more cost-effective and timely acquisition of data.

Geodesy.—The Committee has included \$20,330,000 for NOAA's geodesy programs. The Committee has not included additional funding for the multipurpose land information systems (MPLIS) project because, in the fiscal year 1996 bill, the Committee directed NOAA to allocate prior year appropriated funds to complete the project as originally directed by Congress. Previously appropriated funds, combined with the \$1,000,000 provided in fiscal year 1996, provide the necessary resources to complete this program. NOAA's recent report to the Committee, stating that prior year appropriated funds are not available for completing the project, is unacceptable and incomplete. The Committee still remains concerned

that previously appropriated funds were not allocated properly. Therefore, the Committee directs NOAA and National Geodetic Survey (NGS) to identify and provide the necessary funds to complete the MPLIS projects for Orleans Parish and the city of Sulphur from within existing funds, and report to the Committee by August 15, 1996 on provision of these funds.

The Committee encourages NOAA to review the merits of a pilot project under the NGS to implement the North American Vertical Datum of 1988 (NAVD88) in California and in western North Carolina. NAVD88 would be used to provide accurate and safely identified civil engineering information by measuring vertical data. The Committee understands that NAVD88 is the appropriate replacement for the current vertical measurement system. This pilot project could demonstrate NAVD88's potential for integrating available technologies at the local level.

Ocean Resources Conservation and Assessment.—The Committee recommends renaming the subactivity “Observation and Assessment” to “Ocean Resources Conservation and Assessment” to reflect the title of the office within NOS responsible for administering the programs found under this subactivity.

Damage Assessment Restoration Program.—The Committee has included a \$1,000,000 increase over the appropriation for the damage assessment program provided in fiscal year 1996 to offset the reductions in funds available for transfer from the Damage Assessment Restoration Revolving Fund.

Coastal Ocean Program.—The recommendation includes \$11,700,000 for this program, a slight increase over the current year appropriation. Within the increase provided, the Committee expects the Coastal Ocean managers to give highest priority to responding to the algae bloom in the Peconic Estuary system and adjacent Long Island waters that have devastated the recreational and commercial fishing industry. The continued efforts to understand the physiology of the brown tide organism and conduct a systematic and comprehensive mapping of the bottom of the Peconic system should be conducted as soon as possible to identify contaminants and profile the problems being experienced by the shellfish industry. The actions undertaken supplement the efforts of the Peconic Estuary Program. In addition, the Committee urges the COP to consider a national harmful algal bloom program that focuses on the causes of different types of blooms, including the red and brown tide bloom problems in the waters of Long Island, the Gulf of Maine, and the Gulf of Mexico. Further, the Committee urges consideration to be given to restoration of the South Florida Ecosystems, and expects that any program be conducted by utilizing the expertise of university partners in the area.

Marine Sanctuary Program.—The Committee has included \$10,000,000 for the National Marine Sanctuary Program. The Committee expects that the total overhead charged to the National Marine Sanctuaries Program for fiscal year 1997 will not be in excess of the program's demands on those resources. While the Committee has provided a reduction for this account below the current funding level, the Committee understands that NOAA is pursuing a revenue enhancement initiative to explore other voluntary, innovative means to identify partners and raise additional resources for the

sanctuaries. In addition, the bill includes language, carried in previous years, allowing the collection of user fees for the sanctuaries. The Committee believes that, given these tools, and with continued diligence, additional resources will be made available to provide support to the sanctuaries program.

The Committee is also aware of concerns related to the proposal to designate a new marine sanctuary site in Puget Sound, Washington. The Committee expects that no action will be taken to designate this site unless and until the communities impacted by the designation vote in the affirmative to do so.

Coastal Zone Management (CZM).—The Committee has included \$46,200,000 for CZM 306 and 306(a) grants, an amount equal to the request, and the same level as provided in fiscal year 1996. Funding for CZM program administration is to be covered under amounts made available through the Coastal Zone Management Fund.

In addition, the Committee has provided \$1,000,000 for the National Estuarine Research Reserve program under this account, and an additional \$3,300,000 under the separate appropriation from the Coastal Zone Management Fund, resulting in a total program level of \$4,300,000, the same amount provided in the current fiscal year.

Acquisition of Data.—As explained previously in the report, the Committee recommendation includes \$16,495,000 under this new item within NOS to provide the NOS proportionate share of the funding that was previously provided NOAA-wide in the Marine Services subactivity under Program Support to allow NOS to decide how best to obtain ship-time and data.

NATIONAL MARINE FISHERIES SERVICE

The Committee has provided a total of \$292,907,000 for the programs of the National Marine Fisheries Service (NMFS), including \$29,940,000 for data collection activities previously funded under Program Support. The request included \$305,640,000 for NMFS, and \$281,642,000 was provided in fiscal year 1996. The Committee notes that the budget request assumed that \$10,000,000 of total funding for NMFS would be provided through new fisheries fees. The Committee has not provided increases for those items proposed to be funded by fees, because such fees are not likely to be enacted.

The Committee has prioritized funds provided to NMFS to reflect the Committee's commitment to building sustainable fisheries. The Committee's actions reflect the fact that the key to any actions related to the building of sustainable fisheries lies in the ability to accurately assess the status of the stock. Early assessment enables more accurate and timely decisions by managers of the resource to ensure continued viability of the resource. Thus, the Committee has placed the highest priority on, and provided increases for, programs and activities which ensure that NMFS and its resource management partners have access to the necessary information to make fishery management decisions.

Conservation Management and Operations.—Given the overall funding constraints facing the Committee and the critical need for additional resources in resource information and collection activities, the Committee recommendation has reduced funding in some

activities under Conservation Management and Operations. The Committee notes that the budget request assumed a number of legislative changes giving NOAA additional responsibilities in these areas, which have yet to be enacted, and proposed new fish fees to offset some of the requested increases, which are unlikely to be enacted.

Further, the Committee notes that these programs have had carryover funds ranging from \$3,000,000 to \$4,000,000 every year for the last four years. The recommendation assumes that the same level of carryover will be available in these programs in fiscal year 1997. For example, the Committee notes that of the \$13,000,000 provided in the current fiscal year for endangered species recovery plans, NMFS has only spent \$1,262,000 as of May 31, 1996. Therefore, the Committee expects that the funding levels provided, combined with carryover, will provide sufficient funding to carry out the conservation and management programs.

Sea Turtle Protection.—The Committee expects NMFS to continue to improve its activities in the area of protecting, recovering and improving beach monitoring of the Kemps Ridley and other sea turtles. The Committee understands that NMFS is providing \$300,000 in fiscal year 1996 for these activities. The Committee directs NMFS, within the amounts provided for conservation and management activities, to continue to provide not less than that amount in fiscal year 1997 for ongoing efforts at Rancho Nuevo to (1) protect and enhance sea turtle recovery efforts; (2) establish a standardized statistical Sea Turtle Stranding Network; and (3) assist sea turtle nesting and hatchling programs in the U.S. and at Rancho Nuevo.

Sea Turtle/Shrimp Emergency Response Plan.—In response to the Committee's concerns and reporting requirements included in the fiscal year 1996 Appropriations Act, NOAA and NMFS have provided some information on sea turtle conservation and shrimp fishery issues. However, the Committee is aware that several important requirements have not been addressed. The Committee reiterates its serious concern over the situation that NOAA and the Department continue to move forward to impose more stringent shrimp fishing regulations without first addressing the fundamental need for such regulations and despite the fact that the shrimp fishermen are complying with the existing restrictions at a 97 to 99 percent rate. The Committee directs NOAA and NMFS to continue to comply with the reporting requirements and direction included in the 1996 Omnibus Appropriations Conference Report (House Report 104-537). Further, the Committee is aware that NMFS contracted for a new shrimp fishing regulation compliance study that was conducted with minimal direct participation from the industry organizations and leaders. The Committee directs NMFS and NOAA to improve the process of notifying and allowing participation from the industry on such important issues.

Resource Information.—The Committee has provided \$87,000,000 for this activity. The Committee expects NMFS to give priority to the marking of hatchery salmon at Mitchell Act facilities consistent with marking programs already being managed by the States of Oregon and Washington.

Aquaculture.—The Committee expects NMFS to continue supporting its aquaculture programs out of base resources, as proposed in the budget request, and as provided in fiscal year 1996.

The Committee expects NOAA to consider and give priority under the Saltonstall-Kennedy grant programs, as well as other NOAA programs, to a proposal for a marine aquaculture program testing technology transfer through the Marine Stock Enhancement Consortium.

Winter Run Chinook Salmon.—The Committee is aware of concerns about recent actions taken by NMFS in the San Francisco Bay-Delta region. NMFS is urged to solicit information from, and consult with, the Pacific Fishery Management Council during consideration of management decisions under Sections 7 and 10 of the Endangered Species Act as they pertain to winter run chinook salmon. NMFS is further urged to work cooperatively with the Council on the implementation of recovery plans for this species.

North Atlantic Right Whale.—The Committee is increasingly concerned about the decreasing population of the North Atlantic right whale. A record number of documented right whale deaths have occurred this year, and it is estimated that there are only 300 surviving whales. In addition, due to a decline in calf production, the North Atlantic right whale is in danger of extinction. Therefore, the Committee urges NOAA to identify and reduce the actions associated with the right whale's decline, including sources of right whale mortality and reproductive declines, and to increase the monitoring of the population and habitat to evaluate its status.

Gulf of Mexico Mariculture.—The Committee has provided funding to initiate a mariculture project to increase fisheries production utilizing the existing extensive system of offshore oil and gas production platforms.

Atlantic Bluefish/Striped Bass.—The Committee recommendation includes funding to study the decline of nearshore Atlantic bluefish stocks, including an examination of the relationship between bluefish and striped bass populations, changes in bluefish food stocks, and whether the stocks have declined or merely moved offshore, and other relevant factors.

RECFIN.—The Committee has provided \$2,900,000 for the RECFIN program. The Committee expects that the programs for the West Coast, Atlantic States, and Gulf States shall each receive one-third of these funds. Funding for any supplemental region-specific projects is to be derived from the overall "Fish Statistics" line item.

Interstate Fish Commissions.—The recommendation includes \$4,000,000 for interstate fish commissions. The Committee directs that \$600,000 be provided to the three interstate commissions, with the remaining \$3,400,000 provided for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

Acquisition of Data.—As explained previously in the report, the Committee recommendation includes \$29,940,000 under this new item within NMFS to reflect the elimination of the Marine Services subactivity under Program Support. The amount provided is based on the line office's proportionate usage of marine service funds.

The Committee expects NOAA to include as a priority under the Saltonstall-Kennedy grant program, proposals for research and

education efforts directed at the protection of high-risk consumers from naturally occurring bacteria associated with raw molluscan shellfish. Specifically, the Committee expects \$250,000 in S-K funds to be provided to support ongoing efforts by the Interstate Shellfish Sanitation Conference (ISSC) in addressing concerns associated with *Vibrio vulnificus*.

The Committee encourages NMFS to gather all pertinent scientific data dealing with the Pacific Northwest hatchery system, including the Mitchell Act hatcheries, and make recommendations for the long-term effectiveness and funding priorities of the hatchery system.

OCEANIC AND ATMOSPHERIC RESEARCH

The Committee has provided a total of \$231,826,000 for the Oceanic and Atmospheric Research Programs of NOAA, instead of \$232,548,000 as requested, and \$225,944,000 provided in fiscal year 1996.

The Committee recommendations includes the following amounts for basic laboratory research and support under Oceanic and Atmospheric Research: \$8,000,000 for the base Interannual and Seasonal Climate research program (exclusive of climate and global change funding); \$27,272,000 for Long-term Climate and Air Quality Research; \$33,613,000 for Weather research; and \$9,608,000 for the base Marine Prediction research program. These amounts will maintain these programs at the fiscal year 1996 levels. In addition, the Committee recommendation of \$5,219,000 for solar-terrestrial services and research assumes that NOAA will implement a plan for assessing fees from the users of services provided by this laboratory to enable the program to be supported at the current fiscal year 1996 level.

The Committee has provided no funding for the National Undersea Research Program, as proposed in the budget request.

The Committee recommendation included \$53,300,000 for the Sea Grant program, an increase of \$4,507,000 above the budget request, and an amount equal to the current year's funding. The Committee expects NOAA to continue to fund oyster disease research and zebra mussel research at not less than the levels provided in fiscal year 1995.

The Committee has provided \$67,000,000 for Interannual and seasonal climate research. This amount includes funding for the climate and global change program. Again this year, the Committee has merged these activities to ensure that climate change research is focused on near- to mid-term climatic events such as the El Niño phenomenon. The Committee believes this research provides the most immediate return on the investment, particularly in its value to the U.S. agricultural community. The Committee intends that the increase provided above the fiscal year 1996 level be used for the Health of the Atmosphere program and to expand the International Research Institute program initiated in fiscal year 1996 to include regional application centers.

In addition, the Committee recommendation provides an increase above the request for Marine Prediction Research program to provide support for the Arctic Research initiative. In addition, the recommendation provides \$4,099,000 for the Great Lakes sea

lampricide eradication program. This activity was previously funded in the Department of State, but more appropriately corresponds to NOAA's core activities. This item is more fully discussed under the Department of State, International Fisheries Commissions.

The Committee directs that none of the funds provided under this program or elsewhere under NOAA be used for the Global Learning to Benefit the Environment (GLOBE) program. In addition, the Committee intends that no NOAA personnel be used to support this program, either through direct or reimbursable funds.

Acquisition of Data.—As explained previously in the report, the Committee recommendation includes \$14,665,000 under this new item within OAR to reflect the elimination of the Marine Services subactivity under Program Support. The amount provided is based on the line office's proportionate usage of marine service funds.

NATIONAL WEATHER SERVICE

The Committee recommendation includes a total of \$633,010,000 for the National Weather Service (NWS) for fiscal year 1997, a decrease of \$37,656,000 below the request, and \$26,965,000 above fiscal year 1996.

Operations and Research.—The Committee recommendation provides funding for both the basic local warnings and forecasts functions and the Weather Service modernization and restructuring initiative.

The Committee has provided full funding requested for local weather service offices, which assumes enactment of proposed legislative changes to the current statutory certification requirements for weather office closures, as requested in the budget and approved by the House in the Omnibus Civilian Science Authorization Act (H.R. 3322). The Committee expects any additional reductions from the request to be taken only against headquarters and support functions, and through greater privatization of specialized weather services.

The Committee notes that the NWS headquarters and support operations are the only components of the NWS which have not been engaged in any significant streamlining or downsizing efforts. A February 1996 audit report by the Department of Commerce Inspector General recommended that NOAA develop a comprehensive plan for restructuring headquarters and support operations in order to realize operational efficiencies and enable the NWS to absorb budget reductions. The Committee concurs with this recommendation and directs the NWS to develop and submit such a plan to the Committee no later than November 1, 1996. The Committee believes such a plan will enable the NWS to achieve the reductions assumed against headquarters and support functions.

The Committee acknowledges that there are still uncertainties regarding the adequacy of coverage in certain areas under the current NWS modernization plan. The Committee encourages NOAA to continue to rely on an independent review of coverage concerns prior to the closure of any NWS office. The Committee reminds NOAA that all office closures, including the closure of weather service offices under the modernization plan, are subject to the Committee's standard reprogramming procedures included in section 605 of the bill. NOAA is expected to submit an independent

analysis of the adequacy of coverage with the required reprogramming notification.

The amounts provided reflect no increase for the NOAA radio-sonde network replacement. While the Committee recognizes the need to modernize this network, funding constraints preclude the expansion of this program in fiscal year 1997.

Systems Acquisition.—The Committee recommendation includes \$177,201,000 for National Weather Service acquisition. These amounts include the full request for NEXRAD and ASOS acquisition. Reductions from the request have been taken from the AWIPs/NOAA Port acquisition and computer facility upgrades.

Advanced Weather Interactive Processing System (AWIPS).—The Committee recommendation provides \$100,000,000 for AWIPS, an increase of \$50,000,000 over the current fiscal year, and \$19,800,000 below the request.

The Committee continues to have grave concerns about the successful completion of the AWIPS program. The Committee notes that the AWIPS program has been plagued by cost growth, scheduling delays, management changes, and slow technical progress. The Committee reminds NOAA that the original plans for AWIPS estimated the total cost at \$350,000,000 with a completion date of 1995; the current cost estimate is \$525,000,000 with a delivery date of 1999. The Committee supports the successful completion of this system, and understands AWIPS is a critical component to the modernization effort. However, the Committee is concerned that NOAA has failed to recognize the need to deliver this system within budget. The Committee notes the Administrator of NOAA recently testified before the House authorization committee that AWIPS program could be operated under a cost cap of \$525,000,000, and such a cap was approved by the House in the Omnibus Civilian Science Authorization bill (H.R. 3322). The Committee notes that the Congress has already invested \$253,834,000 for this system, and puts NOAA on notice that it expects the system to be completed and delivered within the \$525,000,000 cost cap approved by the House. In light of the discretionary spending constraints, the Committee will not be in a position to commit additional resources above this amount, should NOAA fail to deliver the system within the current \$525,000,000 cost estimate.

Further, the Committee has reservations about the NOAA's current plans for large-scale deployment of AWIPS prior to adequate development and operational testing of the system. The Committee notes that such plans could result in additional, significant cost overruns.

Therefore, while the Committee has provided a 100 percent increase to continue its commitment to AWIPS, the Committee directs NOAA and the Department of Commerce to submit a reprogramming in accordance with section 605 of the accompanying bill prior to expenditure of funds for large-scale acquisition and deployment. Such reprogramming should include a certification by the Secretary of Commerce of the following:

- The cost to complete acquisition and deployment of the AWIPS and associated activities, including program management and operations and maintenance through September 30, 1999 will not exceed \$271,166,000;

- The systems can be fully deployed, sited, and operational without requiring further appropriations beyond this amount;
- The systems meet the technical performance specifications in the system contract as in effect on August 11, 1995;
- There are no anticipated delays in the deployment and operations schedule.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION
SERVICE

The Committee has included \$431,582,000 for the National Environmental Satellite, Data, and Information Service (NESDIS). This amount is a decrease of \$39,954,000 from the current year, and \$100,249,000 below the budget request.

The Committee recommendation reflects decreased requirements in this program due to the following factors: (1) the cyclical nature of these programs; (2) decreased program requirements for the polar convergence program due to greater than expected performance of existing satellites; and (3) the overall budgetary constraints facing the Committee.

Polar Satellites.—The recommendation includes \$147,300,000 for the polar spacecraft and launching line item, a slight reduction from the request, and \$27,465,000 below the amount appropriated in fiscal year 1996.

The recommendation also provides \$19,000,000 for the Polar Convergence Program/Interagency Program Office, a \$20,500,000 reduction from the current year, and \$59,200,000 below the request. This reduction is largely attributed to an interagency re-estimation of the program's baseline due to better than expected performance of existing satellites resulting in a delay in the need for the procurement of new converged satellites. The Committee believes the recommendation of \$19,000,000 provides the necessary funding to ensure the timely progression of the Polar convergence program.

Geostationary Satellites.—The Committee has included \$171,480,000 for GOES spacecraft and launching, an \$18,374,000 increase over fiscal year 1996, and a \$34,442,000 decrease below the request. This amount reflects reductions assumed in the House-passed Omnibus Civilian Science Authorization bill, as well as the overall budgetary constraints facing the Committee. The Committee recommendation provides sufficient funds to continue procurement of up to three additional GOES NEXT satellites (GOES I-M clones), instruments, and supporting ground systems.

The Committee recognizes that, in general, the most cost-effective means of procurement is open competition. While there has been discussion within NOAA of providing a sole source procurement for the next buy of GOES, the Committee believes that this procurement should be subject to competition and fixed price contracts, if practicable. The Committee believes that the next buy of GOES satellites ("GOES-NEXT") should be for functional equivalents of the GOES I-M satellites requiring no new sensors or any other change calling for additional research and development funding. The goals for the GOES program should be to provide continuity of coverage and to reduce unit costs.

Environmental Data Management Systems.—The Committee has provided a total of \$44,802,000 for this account, an increase of \$3,637,000 over the current fiscal year, and \$96,000 below the request. The recommendation provides the requested increase of \$3,500,000 for implementation of the NOAA Virtual Data System (NVDS). Further, the Committee assumes that an additional \$1,200,000 will be provided to NVDS activities through increased fee collections from data sales, as requested in the budget, to begin to cope with the large increase of incoming data and requests from users. Finally, the Committee expected NESDIS to provide, at a minimum, the same level of funding as provided in fiscal year 1996 for the conversion of deteriorating paper and microfilm records to electronic form.

PROGRAM SUPPORT

The Committee has included \$66,876,000 for Program Support. This amount is a decrease of \$64,292,000 from the request, and \$65,583,000 below the current year. This reduction reflects a general reduction in the administrative and policy functions of NOAA as well as a base transfer of funding previously provided under the Marine Services line item to NOS, NMFS, and OAR.

COASTAL ZONE MANAGEMENT FUND

The Committee has included language in the bill which makes available \$7,800,000 in the Coastal Zone Management (CZM) Fund for administration of the CZM program, and for State Development Grants in accordance with the authorization set forth in Section 308(b)(2)(A) and 308(b)(2)(B)(v) of the Coastal Zone Management Act, and the National Estuarine Reserve program set forth in Section 315(e) of the Coastal Zone Management Act. The amount provided is equal to the budget request and the current funding level, which both provided these funds for only CZM program management and other purposes authorized by section 308 of the CZMA.

The Committee intends that \$4,000,000 shall be available from the Fund for program administration, and that \$500,000 shall be available for State development grants. The Committee intends that the remaining \$3,300,000 shall be available for the National Estuarine Research Reserve (NERR) program in addition to the \$1,000,000 in direct appropriations provided under the NOAA Operations, Research and Facilities account, resulting in a total of \$4,300,000 for NERR, the same level provided in fiscal year 1996.

CONSTRUCTION

The Committee recommends an appropriation of \$36,000,000 for the Construction account under the National Oceanic and Atmospheric Administration. This amount is \$1,366,000 below the budget request, and a decrease of \$14,000,000 below the amount appropriated for fiscal year 1996.

The recommendation includes \$5,000,000 for the cleanup of the Pribilof Islands in Alaska, as requested. This amount results from the need to clean up various sites that NOAA and its predecessor agencies have used on the Islands. The amount provided is to: remediate contaminated soil, to close and remediate landfills, diesel

seep sites, debris sites, solid and liquid wastes, and public safety hazards; and to fund planning and compliance costs of cleanup, landfills, and public safety on the Pribilof Islands.

The following table reflects the Committee's recommendations for this account:

WFO construction/maintenance	\$13,000,000
Columbia Rivers	3,800,000
Boulder Lab—above standard costs	2,000,000
NOAA facilities maintenance	5,676,000
Sandy Hook lease	1,500,000
Environmental compliance	5,024,000
Pribilof Islands	5,000,000
Total, NOAA Construction	36,000,000

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

The Committee recommends an appropriation of \$6,000,000 for Fleet Modernization, Shipbuilding, and Conversion. This amount is a decrease of \$6,000,000 below the budget request, and a decrease of \$2,000,000 below the amount appropriated for this account for fiscal year 1996.

The recommendation provides sufficient funding to provide routine maintenance of the existing NOAA fleet. No funds are provided to modernize the existing fleet, initiate major repairs to extend the life of a vessel, or the purchase of new equipment to upgrade an existing vessel.

In addition, the Committee has taken action, reflected elsewhere in the bill to begin the transition from a NOAA-owned and operated research fleet. The Committee puts NOAA on notice that funding will not be available to provide for a major investment in new vessels. The Committee urges NOAA to take action now to find creative alternatives to a NOAA-owned and operated fleet, including, but not limited to, increased cooperation and coordination with the existing University-National Oceanographic Laboratory System (UNOLS) vessels, and greater reliance on out-sourcing to the private sector.

The Committee understands that hydrographic and oceanographic data collection activities present the greatest opportunity for private sector and academic involvement. The Committee is aware of NOAA's recent effort to obtain information from the private sector on the cost of rebuilding and operating the FAIRWEATHER for hydrographic use. If NOAA determines that rebuilding the FAIRWEATHER would be a practical and cost-effective method of meeting its needs, then the Committee encourages NOAA to move forward to transfer the vessel to the private sector and enter into a charter arrangement for the vessel's service, and to report to the Committee on its intentions with respect to this proposal by February 1, 1997.

In addition, the Committee believes NOAA should explore more creative options for operation of the remaining ships in the NOAA fleet. In particular, the Committee encourages NOAA to seek a cooperative arrangement with the private or academic sector to operate the new AGOR-26 vessel coming on line, and to report back to the Committee on its intentions with respect to this proposal by February 1, 1997.

This account provides for expenses necessary to maintain and improve the NOAA fleet of oceanographic, survey and fisheries research vessels, and for converting and/or leasing vessels as needed for maintaining effective support of NOAA programs.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

The Committee recommends \$200,000 for the Fishing Vessel and Gear Damage Compensation Fund. This amount is equal to the budget request, and a decrease of \$832,000 below the amount available for fiscal year 1996.

The Fishing Vessel and Gear Damage Fund provides compensation to U.S. fishermen whose vessels have been lost, damaged, or destroyed by foreign or domestic vessels. The Fund indemnifies domestic fishermen against commercially uninsurable losses of fishing gear caused by foreign or domestic vessels and a portion of associated economic loss. Monies paid into the Fund include: (1) surcharges not to exceed 20 percent of the fee imposed for any foreign fishing vessel permit issued under the Magnuson Fishery Conservation and Management Act; (2) administrative fees paid by claimants; (3) revenues from deposits or investments of Fund balances not immediately required; and (4) funds not to exceed \$5,000,000 borrowed from the Treasury in the event the Fund balance is insufficient to pay claims.

FISHERMEN'S CONTINGENCY FUND

The Committee recommends \$1,000,000 for the Fishermen's Contingency Fund, which is \$1,000 above the amount provided for the current year, and \$2,000 below the request.

The Fishermen's Contingency Fund provides compensation to U.S. fishermen for damage or loss of fishing gear and any resulting loss because of natural or manmade obstructions related to oil and gas exploration, development, and production on the Outer Continental Shelf. The Secretary of Commerce is authorized to establish an area account within the fund for any area within the Outer Continental Shelf. A holder of a lease, permit, easement, or right-of-way in such area is required to pay a fee into the appropriate area account in the fund. Each area account, if depleted, will be replenished by assessment. The authorization stipulates that amounts available in each area account can be disbursed only to the extent provided by appropriations acts. Since receipts collected may not be sufficient for this appropriation, the Committee has included language which provides that the sums necessary to eliminate the insufficiency may be derived from the General Fund of the Treasury.

FOREIGN FISHING OBSERVER FUND

The Committee recommends \$196,000 for the Foreign Fishing Observer Fund for fiscal year 1997. This amount is equal to the request, and equal to the amount appropriated for the current fiscal year.

Fees paid into the Fund are collected from owners and operators of certain foreign fishing vessels that fish within the United States Fishery Conservation Zone and are intended to be used by the Sec-

retary of Commerce to finance the cost of placing United States observers aboard such fishing vessels. The observers collect scientific information on the foreign catch and monitor compliance by foreign fishing crews in accordance with the provisions of the Fishery Conservation and Management Act of 1976. The Act permits foreign governments to contract directly for observer services from contractors approved by the Secretary of Commerce. The appropriation provides the authority necessary to pay the salaries of United States observers and program support personnel, other administrative costs, and the cost of data management and analysis.

FISHING VESSEL OBLIGATIONS GUARANTEES

The Committee recommends \$250,000 in subsidy amounts for the Fishing Vessel Obligations Guarantees, the same amount requested, and equal to the current fiscal year. In addition, the bill includes language carried in the fiscal year 1996 Act prohibiting loans from being made to purchase any new vessel that would increase the harvesting capacity of any U.S. fishery.

TECHNOLOGY ADMINISTRATION

OFFICE OF THE UNDER SECRETARY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The Committee recommends \$5,000,000 for the Technology Administration's Office of the Under Secretary/Office of Technology Policy. This amount is a reduction of \$4,531,000 from the budget request, \$2,000,000 below the amount appropriated for the current fiscal year, and \$1,000,000 below the actual base operating level for fiscal year 1996.

The primary mission of the organizations funded under this account is to coordinate the Administration's civilian technology initiative. Considering the program reductions and eliminations made in the Commerce technology programs, the Committee believes that the proposed funding level is appropriate. The amount provided will ensure the elimination of current redundancies in the bureaucracy overseeing NIST technology programs.

The Committee believes that greater partnerships with the private sector to conduct industry competitiveness assessments, including foreign technology assessments, will result in better assessments at lower cost to the Federal government. Therefore, the Committee expects the Technology Administration, within existing resources, to conduct a pilot project to accept and fund proposals from private-sector entities to provide such services, including but not limited to foreign competitive technology assessments. The Committee expects such proposals will be conducted on a cost share basis, with private-sector entities contributing no less than 20 percent of the project's cost.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The Committee recommends \$27,400,000 for the Commerce Department's Salaries and Expenses appropriation for fiscal year

1997. This amount is a decrease of \$1,700,000 below the budget request, and \$1,700,000 below the amount appropriated for the current fiscal year. The reduction reflects the Secretary's recently announced policy to reduce staffing Department-wide by an additional 5 percent by the end of this calendar year.

This appropriation provides for the Office of the Secretary and for staff offices of the Department which assist in the formulation of policy, management, and administration.

The Committee continues to support the U.S.-Israel Science and Technology Commission, which brings together the private sectors of these two high technology nations to facilitate breakthroughs in the areas of biotechnology, energy, agriculture, and defense conversion. The Committee expects the Commerce Department to provide its commitment of \$2,500,000 for this program in fiscal year 1997 from within available resources, subject to the standard reprogramming procedures set forth under section 605 of the accompanying bill.

OFFICE OF INSPECTOR GENERAL

The Committee recommends \$19,445,000 for the Commerce Department's Office of Inspector General for fiscal year 1997. This amount is a decrease of \$1,404,000 below the request, and \$404,000 below the amount appropriated for the current fiscal year.

The Committee is supportive of the work being carried out by the Department's Inspector General, and looks forward to working more closely with the IG to follow up on matters of mutual concern.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RESCISSION)

The Committee recommendation includes a rescission of \$10,000,000 from the NOAA Operations, Research and Facilities account under this title. The Committee expects this rescission to be taken from the Landsat and polar satellite programs within the National Environmental Satellite, Data, and Information Service. The Committee understands that fiscal year 1996 funding originally provided to the polar satellite and Landsat programs is no longer required due to reestimation of program requirements in the polar convergence program and a decision by NASA to pay the full development costs of the Landsat program.

GENERAL PROVISIONS DEPARTMENT OF COMMERCE

The Committee has included the following General Provisions for the Department of Commerce that were included in the fiscal year 1996 Appropriations Act (Public Law 104-134).

Section 201 makes Commerce Department funds in the bill available for advanced payments only upon certification of officials designated by the Secretary that such payments are considered to be in the public interest.

Section 202 makes appropriations for the Department in the bill for Salaries and Expenses available for hire of passenger motor ve-

hicles, and for services, uniforms and allowances as authorized by law.

Section 203 prohibits any of the funds in the bill to be used to support hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

Section 204 prohibits the use of Commerce Department funds in this or any previous Act from being used for the purpose of reimbursing the Unemployment Trust Fund or any other account of the Treasury to pay unemployment compensation for temporary Census workers for services performed after April 20, 1990.

Section 205 provides the authority to transfer funds between Department of Commerce appropriation accounts. The language provides that no account may be decreased by more than 5 percent or increased by more than 10 percent. The language also makes the transfers subject to the Committee's standard reprogramming procedures.

Section 206 provides that should legislation be enacted to reorganize the Department of Commerce, the Secretary shall submit a plan for transferring such functions in accordance with the standard reprogramming procedures in this Act, and such reprogramming will not be subject to the limitations set forth in the standard procedures.

Section 207 provides that any costs incurred by the Department in response to funding reductions shall be absorbed within the total budgetary resources available to the Department and shall not be subject to the reprogramming limitations in this Act.

Section 208, prohibits funds from being used to develop or implement any new individual fishing quota until offsetting fees are authorized to pay for such implementation.

Section 209 allows the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.

The recommendation also includes a new provision, Section 210, authorizing the establishment of a Working Capital Fund in the Bureau of the Census to account for reimbursable work and common services costs. This fund will replace the existing Interfund and allow for a more transparent accounting system for centralized services, thus providing greater accountability and oversight.

TITLE III—THE JUDICIARY

The funds recommended by the Committee in Title III of the accompanying bill are for the operation and maintenance of the United States Courts and include the salaries of judges, magistrates, supporting personnel and other expenses of the Federal Judiciary.

The budget request submitted for fiscal year 1997 for the Judiciary totals \$3,473,719,000. Of this amount, \$261,205,000 is associated with the salaries and retirement expenses of Supreme Court Justices, Article III Judges and Bankruptcy Judges, and is considered mandatory for budget scorekeeping purposes. The remainder of the request, \$3,212,514,000, which is considered discretionary for scorekeeping purposes, represents an increase of \$414,527,000, or 14.8 percent, over the enacted amounts for fiscal year 1996. Of this

amount, \$35,000,000 is requested from the Violent Crime Reduction Trust Fund.

The Committee recommendation provides the full request of \$261,205,000 for mandatory salary and retirement expenses of the Justices and judges. The Committee recommendation also provides \$2,970,410,000 for the discretionary programs of the Judiciary, including \$30,000,000 from the Violent Crime Reduction Trust Fund. This amount is \$242,210,000 below the request, but is \$176,803,000, or 6.3 percent above the amount provided for the current fiscal year.

Optimal Utilization of Judicial Resources.—In response to the request of the Committee in both the House and Conference reports accompanying the fiscal year 1996 appropriations bill, the Judiciary is in the process of reviewing the optimal utilization of judicial resources. An interim report was provided on April 1, 1996, and a final report is expected in November, 1996.

The request arose out of concerns about the ability of the Congress to sustain the current appropriations level of the Judicial Branch in the context of the desire of the American public to balance the budget and reduce the deficit. There are a number of issues that could lead to the better deployment of resources, including the fact that some courts face disproportionately high caseloads per judge while others may be relatively underutilized per judge, and that approximately 80 court facilities have no resident judges or staff and are used on a visiting basis for less than 45 days per year.

While the Committee encouraged the report to address possible improvements in any aspect of the Judiciary and its functions, the Committee specifically asked that the following issues be addressed:

- The extent to which the current judicial workload corresponds to the distribution of judicial resources;
- The extent to which underutilized court facilities could be closed, or the sharing of courtroom space expanded, without appreciably affecting the delivery of justice, and the potential for savings in space costs that could be realized;
- The extent to which the use of contract services might be substituted for non-judge employees in the courts and what, if any, savings could be realized; and
- The extent to which savings and efficiencies can be realized through enhanced use of automation and other high technology initiatives.

In the Committee's examination of the interim report during its hearing on the Judiciary's fiscal year 1997 budget request, several concerns emerged. First, the interim report indicated that the final report would include information on the "processes and standards" used by the Judicial Conference in making recommendations on judicial appointments and the distribution of resources. The Committee believes that the final report should go beyond "processes and standards" and should make concrete recommendations about specific changes that can be made to ameliorate situations where the workload is relatively less than average, or where the workload is relatively more.

Second, the Committee believes that the final report should make an independent determination of underutilized space and make concrete recommendations about those facilities that are not cost effective.

Third, the interim report concentrated on the four areas highlighted by the Committee in its request. The Committee would once again note that the list of topics to be studied is not intended to be exclusive, and the Judiciary is encouraged to address any other areas where improvements and cost efficiencies can be achieved.

SUPREME COURT OF THE UNITED STATES

The Committee recommends a total of \$29,647,000 for the Supreme Court of the United States for fiscal year 1997. The total amount is provided in two separate appropriation accounts as follows:

SALARIES AND EXPENSES

The Committee recommends \$27,157,000 for fiscal year 1997 for the Salaries and Expenses of the Justices, their supporting personnel, and the costs of operating the Supreme Court, excluding the care of the building and grounds. The Committee recommendation is \$1,323,000 more than the current year appropriation, and is equal to the budget request for this account. It provides the amount required to maintain the current level of activities, and provides for no program increases.

CARE OF THE BUILDING AND GROUNDS

The Committee recommends \$2,490,000 for fiscal year 1997 for personnel and other services relating to the Supreme Court building and grounds, which is supervised by the Architect of the Capitol. The recommendation is \$823,000 less than both the current year appropriation and the request level for fiscal year 1997 of \$3,313,000.

The request included funding for two studies: a Perimeter Security Study (\$150,000) and a Schematic Systems Design (\$225,000). Since both of these studies could result in recommendations for significant expenditures, it seems more realistic to undertake one at a time, and to stagger the timing when significant increases might be requested for carrying out the recommendations of these studies. Consequently, the Committee recommends \$150,000 for the Perimeter Security Study, but defers funding for the Schematic Systems Design.

In addition, the budget request included funding for 33 full-time equivalent workyears, while the current actual on-board level is 24. The Committee has recommended funding at the actual on-board level, a reduction of \$303,000 from the request.

Finally, there is a significant amount of carryover in this account. The Committee has assumed the use of \$295,000 in carryover to fund the ongoing activities in this account, and reduced the budget request accordingly.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The Committee recommends \$15,013,000 for fiscal year 1997 for the Salaries and Expenses of the United States Court of Appeals for the Federal Circuit. The Committee recommendation is \$725,000 more than the current year appropriation, but is \$965,000 less than the request.

The Committee recommendation reflects approval of the amount requested for adjustments to base for the Court of Appeals for the Federal Circuit. The Committee recommendation does not include the increase requested for 19 additional positions for the Court.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The Committee recommends \$11,114,000 for fiscal year 1997 for the Salaries and Expenses of the United States Court of International Trade, an amount equal to the budget request, and an increase of \$255,000 over the amount provided in fiscal year 1996. The recommendation provides funding to maintain current activities, and does not provide for any program increases.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The Committee recommends a total of \$2,580,956,000 for this account for fiscal year 1997, including \$30,000,000 from the Violent Crime Reduction Trust Fund. This account provides for the salaries of judges, magistrates, and all other officers and employees of the Federal Judiciary not otherwise provided for, and for all necessary expenses including rental charges for space and facilities.

The Committee recommendation is a reduction of \$201,390,000 from the budget request, but is an increase of \$117,815,000 above the amount appropriated for fiscal year 1996. In addition, the Committee understands that at this point in the current fiscal year, the Judiciary anticipates that it will carry over an estimated \$89,600,000 resulting from a variety of factors including: increased fee collections in fiscal year 1996; the likelihood that use of the fiscal year 1996 operating reserve will not be required; delays in filling vacant judgeships; and savings identified in quarterly reviews. This combination of increased appropriations and carryover, totaling \$2,670,196,000 falls slightly short of the \$2,675,900,000 requested to maintain the current level of activities through fiscal year 1997, and does not provide funding for any of the requested workload increases totaling \$71,500,000 from the discretionary appropriations. However, should additional carryover be identified, as seems possible given the likelihood that there will be vacancies in authorized positions at the end of fiscal year 1996, the additional funds should be applied to provide the remaining amount to maintain the current level of activities and then to the highest priority workload increase requirements including bankruptcy personnel, probation/pretrial services and magistrate judges and staff.

The importance of fees and fee carryover in the total funding annually available to the Judiciary appears to be well-established and likely to continue. However, the annual budget submission presented by the Judiciary continues to emphasize appropriated funds, making comparisons from year-to-year difficult. The Committee believes that it would be helpful to find a way to reflect fees and fee carryover as an integral part of the budget submission, and urges the Judiciary to work with the Committee on improving the budget presentation to reflect current fiscal realities.

In addition, the Judiciary's budget request for each new fiscal year is workload driven, and is currently based on a formula that assumes staffing at 84 percent of the staffing that would be required to fully staff the projected workload. Over the past few years, actual staffing in the current fiscal year has been below that assumed level, and is one of the factors that leads to carryover. Assuming sufficient historical data exists, it would be helpful to develop a benchmark or average measure of slippage in utilization of resources to help make budgeting decisions more firmly based on experience rather than conjecture.

The Committee has recommended that amounts set aside in this account for space alteration projects and furniture and furnishings remain at the fiscal year 1996 level, and has not provided any increase.

The Committee supports the ongoing efforts of the Judiciary to improve and expand information made available in electronic form to the public. Accordingly, the Committee expects the Judiciary to utilize available balances derived from electronic public access fees in the Judiciary Automation Fund to make information and services more accessible to the public through improvements to enhance the availability of electronic information. The overall quality of service to the public will be improved with the availability of enhancements such as electronic case documents, electronic filings, enhanced use of the Internet, and electronic bankruptcy noticing.

The Committee is aware that several court locations were closed recently in an economy effort, as a result of recommendations by the respective Circuits that maintaining the separate sites was not cost effective. The Committee encourages, when deemed appropriate, alternative methods of holding court on an ad hoc basis in those locations when the daily rental fee for a location is cost effective and when appropriate court space is available.

Violent Crime Reduction Trust Fund.—The Committee has provided \$30,000,000 for the Judiciary from the Violent Crime Reduction Trust Fund for fiscal year 1997, the same amount as provided in fiscal year 1996, and \$5,000,000 less than the request. The Committee intends that amounts provided be used to offset base expenditures related to carrying out the provisions of the Violent Crime Control and Law Enforcement Act of 1994 and to fund requested program increases related to certain provisions of that Act such as: activities related to mandatory drug testing to be conducted by probation officers; and increasing requirements for supervised release and increases in workload generated by increases in the number of U.S. attorneys.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The Committee recommends a reimbursement of \$2,390,000 for fiscal year 1997 from the Special Fund to cover expenses of the Claims Court associated with processing cases under the National Childhood Vaccine Injury Act of 1986. This amount is equal to the budget request and provides an increase of \$72,000 over the amount appropriated for the current fiscal year.

DEFENDER SERVICES

The Committee recommends \$297,000,000 for fiscal year 1997 for the operation of the Federal Public Defender and Community Defender organizations and for compensation and reimbursement of expenses of attorneys appointed pursuant to the Criminal Justice Act, as amended. This represents an increase of \$29,783,000 over the fiscal year 1996 appropriation, and \$1,239,000 over the total amount available in fiscal year 1996, and a reduction of \$21,905,000 from the request.

In fiscal year 1996, \$28,544,000 in fee carryover was made available to this account, which, when added to the appropriation, resulted in funding availability of \$295,761,000.

The Committee is concerned with the rising costs associated with this account. According to the budget justification for this account, the cost per representation in the Federal Public Defender organizations, the Community Defender Organizations, and panel attorneys is increasing at a much greater percentage than the increase in the actual number of representations. The Committee would like to better understand the reason for the rapid rise in cost per representation, and requests a report by February 1, 1997.

While the recommendation provides funding in fiscal year 1997 to replace the amount funded in fiscal year 1996 through carryover and a small amount for increased costs, the Committee has not provided the full amount requested for increases in base activities, or funding for increases in the rate for panel attorneys or for program increases.

Language included in the fiscal year 1996 bill relating to Death Penalty Resource Centers is not required in this bill because all the Centers were closed as of April 1, 1996.

FEES OF JURORS AND COMMISSIONERS

The Committee recommends \$66,000,000 for fiscal year 1997 for the fees and allowances of grand and petit jurors and for the compensation of land commissioners and jury commissioners. This represents an increase of \$6,972,000 in the amount appropriated over the fiscal year 1996 amount and a reduction of \$2,083,000 from the budget request.

The rate of expenditure of funds for this account in fiscal year 1996 and the current projections for fiscal year 1997 indicate that an increase of at least this magnitude is required in order to allow cases to proceed to trial.

COURT SECURITY

The Committee recommends \$125,000,000 for Court Security for fiscal year 1997 to provide for the necessary expenses of security

and protective services for the United States Courts in courtrooms and adjacent areas. This is \$23,000,000 more than was appropriated in fiscal year 1996, and \$6,360,000 more than the total amount available in fiscal year 1996, and \$6,885,000 less than the budget request.

In fiscal year 1996, \$102,000,000 was appropriated for this account, but an additional \$16,640,000 was available in fiscal year 1996 as a result of the fiscal year 1995 anti-terrorism supplemental signed into law on July 27, 1995 (Public Law 104-19).

The Committee recommendation provides \$123,273,000 requested to maintain the current level of activities, including the costs of annualizing the salaries of court security officers hired in fiscal year 1996 and increases in contract rates, and \$1,727,000 of the \$8,612,000 requested for program increases. It is expected that this amount will be used to hire additional court security officers for new facilities opening in fiscal year 1997.

The Committee understands that in some circumstances, court security officers funded from this account provide security to all offices in a facility, not just the judicial offices and courtrooms. The Committee requests that the Judiciary consider whether reimbursements from other agencies would be appropriate and provide the Committee with its conclusion by February 1, 1997.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The Committee recommends \$48,500,000 for the Salaries and Expenses of the Administrative Office of the United States Courts for fiscal year 1997, an increase of \$1,000,000 over the appropriation for fiscal year 1996, but a reduction of \$5,023,000 from the budget request. This account is responsible for the administration of the United States Courts, including the probation and bankruptcy systems.

Appropriated funds are one part of the funding available to the Administrative Office. In addition, five percent of fees credited to the Judiciary are available to the Administrative Office, and the Administrative Office receives reimbursements primarily from the Courts of Appeals, District Courts, and Other Judicial Services. Salaries and Expenses account for services provided to the Judiciary. In fiscal year 1996, total funding for the Administrative Office is expected to be \$80,798,000, and the budget request for fiscal year 1997 assumes a total funding level of \$86,666,000.

In providing the recommended level, the Committee intends that the Administrative Office has the resources to maintain the funding level provided for in fiscal year 1996 through appropriations and carryover. If additional funds are required, the Committee notes that the Administrative Office has the option of obtaining additional resources through the use of carryover funds available to the Judiciary, subject to the reprogramming requirements of the Committee.

FEDERAL JUDICIAL CENTER
SALARIES AND EXPENSES

The Committee recommends \$17,495,000 for the Salaries and Expenses of the Federal Judicial Center for fiscal year 1997, which is \$419,000 below the amount provided in fiscal year 1996, and \$2,130,000 below the budget request. The Federal Judicial Center improves the management of Federal judicial dockets and court administration through education for judges and staff, and research, evaluation, and planning assistance for the courts and the Judicial Conference.

In fiscal year 1996, the amount provided was intended to encourage the Center to engage in innovative and less costly training through increasing use of video training techniques. The Committee was pleased to note that the amount expended on travel decreased. However, the fiscal year 1997 budget request includes an increase for travel. The Committee believes that further efforts can be made in controlling the cost of training through increasing use of innovative methods, and has adjusted the request accordingly.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

The Committee recommends \$30,200,000 for the payment to the Judicial Officers' Retirement Fund and the Claims Court Judges Retirement Fund for fiscal year 1997. This amount is equal to the budget request, and is \$2,700,000 less than the current year appropriation for this account, which is considered mandatory for budget scorekeeping purposes.

These funds will cover the estimated annuity payments to be made to retired bankruptcy judges and magistrate judges, Claims Court judges and spouses and dependent children of deceased judicial officers.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The Committee recommends \$8,300,000 for the Salaries and Expenses of the United States Sentencing Commission for fiscal year 1997, a reduction of \$200,000 below the amount provided for the current fiscal year and a reduction of \$900,000 below the budget request.

The Committee recommendation is intended to provide the same level of funding as was appropriated in fiscal year 1996, taking into account the fact that the Sentencing Commission has significant carryover balances available.

The purpose of the Commission is to establish, review and revise sentencing guidelines, policies and practices for the Federal criminal justice system. The Commission is also required to monitor the operation of the guidelines and to identify and report necessary changes to the Congress.

GENERAL PROVISIONS—THE JUDICIARY

The Committee has included the following general provisions in the bill for the Judiciary:

Section 301 provides language, included in previous appropriations Acts, to permit funds in the bill for salaries and expenses for the Judiciary to be available for employment of experts and consultant services as authorized by 5 U.S.C. 3109.

Section 302 provides language included in previous appropriations Acts which authorizes appropriations for the special court of appeals established under the Regional Rail Reorganization Act of 1973, Public Law 93-236.

Section 303 provides language, included in previous appropriations Acts, which permits up to five percent of any appropriation made available for fiscal year 1997 to be transferred between Judiciary appropriation accounts with the proviso that no appropriation shall be decreased by more than 5 percent or that no appropriation, other than Defender Services, and Fees of Jurors and Commissioners, be increased by more than 10 percent by any such transfer. In addition, the language provides that any such transfer shall be treated as a reprogramming of funds under section 605 of the accompanying bill and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Section 304 provides language included in previous appropriations acts permitting not to exceed a total of \$10,000 for expenses of official reception and representation expenses incurred by the Judicial Conference of the United States.

Section 305 provides language, not included in previous appropriations acts, which provides a one-year extension, from September 30, 1997 to September 30, 1998, of the authorities contained in 28 U.S.C. 612(1) for the Judiciary Automation Fund. This short-term extension is needed to continue the orderly and effective administration of the Judiciary's automation programs, and to provide oversight committees adequate time to hold hearings and introduce legislation for the long-term extension of the Fund.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

In total, the amount recommended in this title for the Department of State, the United States Information Agency (USIA) and the Arms Control and Disarmament Agency (ACDA) of \$4,963,553,000 is \$128,343,000 below the amount available in fiscal year 1996 and \$1,224,635,000 below the amount requested in the budget. The major area of reduction from the budget request is due to the fact that the Administration's request included funding to pay all arrearages that it considers to be owed to international organizations, including \$185,476,000 in fiscal year 1997, and advance appropriations of \$193,146,000 in each of fiscal years 1998, 1999, 2000, and 2001, for a total request for arrearage payments of \$958,060,000.

While the Committee has recommended reductions in nearly all accounts in this title below last year, it is important to emphasize that all parties, including the Administration and the authorization

committees of the House and Senate have agreed that reductions and downsizing need to be carried out. There are a series of government-wide initiatives which impact on the budgets of these agencies. In 1993, the President directed a four-year reduction in administrative expenses at all Federal agencies, totaling 14 percent by the end of fiscal year 1997. The President also set a target of reducing personnel in government by 272,000 over the period 1994 through 1999. Then, as part of his Reinventing Government initiative in January, 1995, the Vice President set out a goal of reducing funding for international programs of \$5 billion over 5 years. In addition, as part of the negotiations over the State Department authorization legislation in the Senate last year, the Administration agreed to the target of a \$1.7 billion reduction in spending on the four principal foreign affairs agencies over the period 1996 through 1999. Also, the Secretary of State has undertaken his own initiative, the Strategic Management Initiative, which, among other things, proposed to close up to 25 missions overseas. Finally, the fiscal year 1997 budget submitted by the Administration sets out a declining five-year path of spending for the conduct of foreign affairs. So, while Congress and the Administration were not able to agree on the terms of reauthorization legislation for the agencies in this title, it appears there was a common direction toward fiscal restraint, which the Committee has tried to reflect in the recommendations for the following accounts.

DEPARTMENT OF STATE

The Committee recommends a total of \$3,890,008,000 for fiscal year 1997 for the Department of State. This amount is \$1,123,957,000 less than the budget request and \$78,867,000 less than the amounts appropriated for fiscal year 1996 for the Department.

The Committee recommendation includes a total of \$2,633,715,000 for the appropriation accounts under Administration of Foreign Affairs; \$1,207,400,000 for the appropriation accounts under International Organizations and Conferences; \$40,893,000 for International Commissions; and \$8,000,000 for Other activities. The Committee's recommended priorities for the Department of State are delineated in the following paragraphs.

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The Committee recommends \$1,706,150,000, including registration fees, for the Diplomatic and Consular Programs account. The Committee recommendation represents a reduction of \$41,759,000 from the budget request for the functions funded in this account and a reduction of \$10,746,000 from the current year appropriation. Together with the \$28,723,000 of program decreases already built into the budget request, the recommendation will require a reduction of \$52,882,000 below the amount required to maintain the fiscal year 1996 operating level in fiscal year 1997, and will require substantial reductions and other streamlining and savings initiatives.

This appropriation account provides for the formulation and execution of United States foreign policy, including the conduct of diplomatic and consular relations with foreign countries, diplomatic relations with international organizations and related activities. The account includes funding for all of the program and operations bureaus and offices of the Department of State and the Foreign Service.

The Committee has included requested language in the bill which will provide not to exceed \$700,000 in registration fees collected pursuant to section 45 of the State Department Basic Authorities Act for activities of the Office of Defense Trade Controls. The Committee has also included language provisions under this heading which provide \$1,223,000 in fees collected from other Executive Branch agencies for lease or use of facilities at the International Center Complex, as authorized by law, and \$450,000 to be derived from the reserves. The budget request proposed to include the language relating to the International Center in a separate account, and had proposed \$594,000 to be derived from reserves. In addition, the Committee has included language that provides not to exceed \$15,000 from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with the State Department Basic Authorities Act of 1956.

The bill includes a provision which permits up to 20 percent of the amounts made available in the Diplomatic and Consular Programs account and Salaries and Expenses account to be transferred between such appropriations accounts in order to provide administrative flexibility to the Department.

The bill also includes a provision that permits the collection of not to exceed \$150,000,000 from machine readable visa fees, under the same terms and conditions as contained in the fiscal year 1996 bill.

The bill retains and updates a provision included in the fiscal year 1996 appropriations bill that sets forth the funding for the Diplomatic Telecommunications Service, \$24,856,000 for existing base services and not to exceed \$17,230,000 for program enhancements, and requires that \$2,500,000 of the enhancement funding be withheld until 15 days after submission of a report on ongoing pilot projects is submitted.

Finally, the bill includes language requiring that starting in fiscal year 1998, a system be in place that allocates to each department and agency the full cost of its presence outside the United States.

Spending Reductions.—The budget request of \$1,747,909,000 for this account, was based on a net increase of \$31,013,000 over the final fiscal year 1996 appropriation, including \$42,836,000 in net base increases, \$28,723,000 in program decreases, and \$16,900,000 in program increases. In recommending \$1,706,150,000, which is \$41,759,000 below the budget request, the Committee has made the following assumptions:

—\$15,000,000 in resources available from MRV fees that were not reflected in the budget request.

—no funding for overseas equipment replacement. Funding for this can be transferred from the Security and Maintenance of Buildings Abroad account.

—no funding for the International Telecommunications Union Plenipotentiary. The Department is directed to explore all options for obtaining private funding to support this meeting and to report back to the Committee no later than September 1, 1996.

—carrying forward the reductions in administrative and personnel services mandated by P.L. 104–134.

—and the balance to be absorbed through efficiency initiatives such as the overseas staffing model, to rationalize the assignment of personnel overseas.

The Committee recommendation will potentially require additional reductions in personnel. The Committee recognizes that the Department has already made a major effort, reducing personnel by 1,369 between fiscal year 1995 and 1996, and that the budget request calls for a reduction of an additional 265 positions. However, the Committee believes that additional reductions can be found as a result of the overseas staffing model initiative to “right-size” the number of people working in each overseas post.

While there have been numerous discussions over the past year concerning the overlap between the functions carried out by State Department economic officers and the United States and Foreign Commercial Service (US&FCS) in overseas posts where both are present, there has been no discernible effort to address the issue. On the State Department side, the Committee is aware that there has been an effort to weed out unnecessary economic reporting, and to make that reporting a function of the situation in the particular post. The Committee is further aware that in a number of posts, economic and political offices have been combined, and the officers given responsibility to deal with foreign government policy, be it political or economic. Nonetheless, in posts where both State and US&FCS are present, they operate separately, rather than as a unit. With the decline in formal reporting, the solution, in posts where both are present, may be to eliminate economic officer positions and turn residual policy negotiating responsibilities to the political officers, and to fully utilize the US&FCS to take the lead to assure that all economic and commercial issues of importance to both Departments are being given the proper attention.

The Committee recommendation does not assume any further post closings. The Department is in the process of closing 14 posts on which agreement was reached in September, 1995. Upon completion of this process, it will then be timely to reexamine the existing posts to see if further adjustments are advisable. But prior to conducting that effort, it would be worthwhile to bring the foreign aid and national security agencies together to determine whether the United States has a coherent and coordinated approach to the drawdown of its overseas presence.

The Committee would like the Department to reexamine the U.S. presence in Malabo, Equatorial Guinea, in light of the increasing presence of Americans there, to determine whether it would make sense to station a consular officer there full-time, and report to the Committee by February 1, 1997.

It has been brought to the Committee’s attention that there is a need for the establishment of a new Consulate General in Siberia, to be located between the regions now covered from Yekaterinburg

and Vladivostok. The Department of State should study the feasibility of this proposal and report back to the Committee within six months. The report should include any proposed locations and associated costs for a Consulate General. If this is determined to be feasible, the Committee would expect a proposal to be put forth by the Department of State during the fiscal year 1998 budget process.

Utilizing resources available through the machine readable visa fees, the Department, in conjunction with the Immigration and Naturalization Service, is to provide a plan for implementation of an exit strategy in order to be able to determine which visa holders have overstayed their visa, including concrete steps and a timetable. The plan is to be submitted no later than February 1, 1997.

Overseas staffing model.—The Committee continues to take very seriously the need to rationalize overseas presence, not only for the State Department, but for all agencies that have an international presence. For the State Department, a major initiative, the overseas staffing model, is being undertaken to establish an objective measure of how posts should be staffed, by establishing five model embassy categories, delineated by foreign policy objectives and interests, and size. Associated with each category will be a staffing level for executive/program function and administrative operations. Current post staffing levels will be compared with the models, and adjustments made. Once carried out, this will be the first time that the State Department will be able to provide an analytically justifiable rationale for the allocation of personnel and resources in foreign posts. The Committee understands that this model will be used to put together the fiscal year 1997 financial plan to spend the funds the Committee is hereby recommending, and wishes to be kept informed of the progress in the implementation of this initiative. The Committee expects that personnel and budget savings will result.

International cooperative administrative support system.—The Committee is also insistent upon undertaking measures to rationalize the overall assignment of Americans overseas, of which State Department personnel make up about one-third of the total. Under the current system, agencies other than State do not pay the full cost of personnel overseas. As a result, these agencies are not required to make decisions based on a cost-benefit basis. The Committee believes the U.S. taxpayer will be much better served by having each agency incur its true costs of overseas operations to ensure these costs are managed properly. At a time when State Department presence overseas is declining, while the presence of other agencies is increasing, the time has come to overhaul the cost-allocation system.

As part of the National Performance Review, the State Department and the 35 other Departments and agencies with an overseas presence have been working cooperatively through the President's Management Council to devise a new system to allocate costs of staff and operations overseas to replace the current Foreign Affairs Administrative Support system. This new system, known as International Cooperative Administrative Support Services (ICASS), would make the allocation of costs among participating agencies more transparent and establish local councils to make the provision

of administrative services more responsive to the needs of each agency. Currently, pilot projects are underway in four countries, and in fiscal year 1997, all posts will be participating in a test of the system. The Committee directs that the new system be fully implemented in fiscal year 1998, including the new allocation of costs. Language has been included in the bill, stating that a system shall be in place in 1998 to allocate to each department and agency the full cost of its presence outside of the United States.

The Committee believes that the State Department should be taking all steps necessary to assure that ICASS will be implemented in fiscal year 1998, and wishes to be advised immediately of any circumstances that might cause delay. The Office of Management and Budget is directed to ensure that in the fiscal year 1998 budget submission, each Federal agency budget for the cost of its overseas presence in accordance with ICASS.

Diplomatic Telecommunications Service.—The Committee has retained bill language earmarking the amount to be provided for the Diplomatic Telecommunications Service Program Office (DTS-PO). The Diplomatic Telecommunications Service (DTS) is intended to be an organization that provides a unified system of communications for agencies located at diplomatic posts overseas, to end duplication, and provide cost-savings. Currently, a pilot project is underway at five posts to determine the benefits of such a system. The Committee believes the following steps need to be taken to move forward on this concept: (1) based on the results of the pilot projects, DTS-PO needs to proceed with plans for an overall evaluation of the impact of the potential benefits of DTS for all posts overseas to determine the impact and potential savings of implementing this system worldwide; (2) the DTS-PO policy board, representing all agencies involved, should be strengthened, and operating procedures developed, so that it can carry out the duties it was intended to perform, including reviewing and approving all policy, plans and budgets; and (3) the mechanism for financing DTS needs to be established, which would presumably consist of a revolving fund to support current operations. Currently, funding for enhancements is increasingly being used to pay for the operation of previous enhancements.

Criminal record checks for visa applications.—During this year's budget hearings, the Committee was disturbed to learn that there is no system in place to check non-immigrant visa applicants for any previous criminal records in the United States, with some exceptions relating to drugs and terrorism. The Committee believes that more must be done to ensure that aliens with criminal records or who are subject to warrants and holds are denied visas to the United States. The Committee directs that the Secretary of State and the Director of the Federal Bureau of Investigation prepare a joint report which is due no later than February 1, 1997 from the Department of State and the Federal Bureau of Investigation, which details plans to ensure that the Department of State will have access to information currently available to the FBI regarding the criminal records of aliens or the names and appropriate identifying information regarding aliens who are subject to warrants and holds. This program shall be devised in such a manner that, while helping to achieve the overall goal of excluding criminal aliens from

the United States, it minimizes the impact on the process of adjudicating and processing visas for both immigrants and non-immigrants.

Other issues.—The Committee expresses deep appreciation for the outstanding contribution that Foreign Service professionals have made to the advancement of United States interests abroad. The men and women of the Foreign Service have demonstrated patriotism, courage, and ingenuity in dealing with and adapting to the post-cold war environment, and especially in dealing with hardships brought on by shrinking resources and the nation's growing international responsibilities.

The Committee would like to be assured that Federal employees overseas have the opportunity to worship, and have not been denied that opportunity through restrictions on the availability of a place to conduct services. The Department is expected to report by October 15, 1996 on its policy in this area, including its full and direct response to any situations where the Department has received complaints that that opportunity has been restricted. The Committee encourages the Department to allow U.S. citizens to use U.S. embassies, consulates or other diplomatic facilities for worship services or religious meetings in countries where conducting such religious services is prohibited by law or would subject U.S. citizens to persecution or other personal danger.

Within the recommendation for this account, the Committee has provided sufficient funding to continue the International Center for the Study of Canadian-American Trade project for a final year, through a grant or contract mechanism.

SALARIES AND EXPENSES

The Committee recommends \$352,300,000 for the Salaries and Expenses account of the Department of State. This amount represents a reduction of \$5,859,000 from the budget request and a reduction of \$12,398,000 from the current year appropriation.

This appropriation provides for the management, administrative, and support functions of the Department of State, including the Office of the Secretary.

The Committee notes that the budget requested for this account was \$6,539,000 below last year's level. In part this is due to the shifting of some consular operating costs to be funded by the machine readable visa fee, and in part it is due to the administrative and personnel reductions assumed in the budget. The Committee has recommended a further reduction from last year's level and the budget request, because of the need to continue a strong reform agenda, particularly in the Washington-based operations that are primarily funded out of this account. In fiscal year 1996, the Department undertook the Strategic Management Initiative, which was comprised of 46 re-engineering initiatives. Some of these recommendations are just coming to pass, such as the initiative to eliminate one bureau, in response to which a reprogramming to consolidate the Bureau of Diplomatic Security and the Office of Foreign Missions has recently been submitted. However, similar initiatives are not included in this year's budget proposal, and the Committee's recommendation is intended to encourage a second round of re-engineering initiatives. For instance, the Department

has two Under Secretaries to whom only one Assistant Secretary reports, which would seem to be good candidates for re-engineering.

Although the Vice President's Reinventing Government announcement in January, 1995 identified the significant overlap of functions between the Arms Control and Disarmament Agency and the Department's Bureau of Political-Military Affairs as a target for the elimination of duplication, there has, so far, been no plan announced to eliminate such duplication. The Bureau of Political-Military Affairs has taken some steps, through the elimination of four positions. The Committee is anxious for a resolution to this long-standing issue, and requests a report from the Department and ACDA containing final recommendations for the elimination of duplication by February 1, 1997. As part of this report, the Department should consider the need for a separate Under Secretary to whom only one Assistant Secretary reports.

The Committee commends the consolidated Overseas Schools Assistance Program for its continuing efforts in improving the quality of education for United States dependents living overseas. With funding from the Salaries and Expenses appropriations of the Department of State, the United States Information Agency and the Agency for International Development, the program accomplishes the dual objective of providing educational opportunities for U.S. dependents and of introducing American educational philosophy and practice to local children and educators. The Committee also commends the accomplishments of the members of the Overseas Schools Advisory Council and its Educational Assistance Programs for generating private sector financial support and participation in the activities of the American-sponsored overseas schools.

CAPITAL INVESTMENT FUND

The Committee recommends \$16,400,000 for the Capital Investment Fund, the same as enacted in fiscal year 1996, compared to a request of \$32,800,000. The Department has a great need to undertake an information management modernization effort. Requirements for this effort could amount to \$300,000,000 or more over the next several years. However, the Committee is reluctant to commit significant resources to this effort until there is a fully developed plan that assures that such funding will be spent wisely and with a likelihood of success. The Department has yet to demonstrate that a plan has been developed that addresses these concerns. Consequently, the Committee has deferred consideration of increased funding for this account until such a plan has been produced.

OFFICE OF INSPECTOR GENERAL

The Committee recommends \$27,495,000 for the Office of Inspector General, which is an increase of \$165,000 over the amount provided in fiscal year 1996, and an increase of \$126,000 over the budget request. The Inspector General conducts oversight at the State Department, the Arms Control and Disarmament Agency, and, as a result of the fiscal year 1996 appropriation bill, the United States Information Agency.

Currently, the funds for oversight of ACDA are contained in the ACDA budget, and the Inspector General must request funds from ACDA in order to inspect and audit ACDA programs. This is an

unacceptable situation, as it gives ACDA veto power over the Inspector General's ability to investigate the agency. Consequently, the Committee has begun the process of moving funds for oversight of ACDA directly into the Inspector General's budget by decreasing the level of funding for ACDA by \$143,000, and increasing the Inspector General's budget by a similar amount. This does not fully solve the problem, and will require additional funds from ACDA to carry out oversight activities. The Committee recommends that the fiscal year 1998 budget include all funds for the oversight of ACDA directly as part of the Inspector General's budget.

The bill includes language that was agreed to in fiscal year 1996 providing the Inspector General with authority over the United States Information Agency, and waiving the statutory requirement that every post be inspected every five years, in order to provide greater flexibility to the Inspector General to utilize resources in the most productive manner.

REPRESENTATION ALLOWANCES

The Committee recommends \$4,490,000 for representation allowances authorized by section 905 of the Foreign Service Act of 1980. This amount is \$166,000 less than the budget request and \$10,000 below the amount provided in fiscal year 1996.

These funds are used to reimburse Foreign Service Officers for expenditures incurred in their official capacities abroad in establishing and maintaining relations with officials of foreign governments and appropriate members of local communities.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The accompanying bill includes a total of \$8,332,000 for the appropriation entitled, "Protection of Foreign Missions and Officials". This amount is the same as the budget request, and \$247,000 less than the appropriation provided for fiscal year 1996.

This account reimburses local governments and communities for the extraordinary costs incurred in providing protection for international organizations, foreign missions and officials, and foreign dignitaries under certain circumstances. The Committee believes that local jurisdictions which incur such costs must submit a certified billing for such costs in accordance with program regulations. The Committee also believes that in those circumstances where a local jurisdiction will realize a financial benefit from a visit from a foreign dignitary through increased tax revenues, that such circumstances should be taken into account by the Department in assessing the need for reimbursement under this program. The Committee expects the Department to treat such submissions diligently and provide reimbursement to local jurisdictions on a timely basis if claims are fully justified.

Of the total amount recommended, \$1,574,000 is available for protection of foreign diplomats and their families throughout the United States. The Foreign Missions Act of 1982 authorizes the provision of such services when necessary either at the request of a foreign mission or at the initiative of the Secretary of State. In these situations, where State and local authorities cannot provide the security required, the Act permits the Department of State to employ the services of private security firms.

Of the total amount recommended, \$6,758,000 is allocated to reimburse New York City for the protection of foreign missions and officials credited to the United Nations and other international organizations. These funds provide for the costs of guard posts and security escort and motorcade services to foreign missions and personnel assigned to the United Nations.

The bill includes language making these funds available until September 30, 1998, as requested in the budget.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The Committee recommends a total appropriation of \$370,000,000 for Security and Maintenance of United States Missions. This is a reduction of \$15,043,000 from the amount provided in the current fiscal year and a reduction of \$16,060,000 from the budget request. The Committee recommendation includes a provision carried in the bill in previous years which prohibits funds from being used for acquisition of furniture and furnishings and generators for other departments and agencies.

Security.—The Committee requests that the Department immediately review security arrangements at all U.S. posts overseas, and, if additional measures are required to improve security, over and above what was recently submitted to the Committee in a reprogramming request, to submit a reprogramming to carry out those measures.

Budget.—The recommended reduction of \$15,043,000 is taken for two reasons. First, the Department intends to utilize funds in fiscal year 1996 to purchase properties which would otherwise be acquired by lease. The result should be a reduction in the amount required for lease payments submitted as part of the budget request. Second, the Committee believes that the Department should sell the residence in Hamilton, Bermuda, which is in excess of the needs of maintaining a presence in Bermuda, and it has reduced the appropriation for this account in anticipation of this sale.

No new buildings are funded under this recommendation. The funding is to be used to allow the Department to manage U.S. Government real property worth in excess of \$10,000,000,000, including maintaining 2,792 Government-owned and long-term leased properties at 250 posts, and leasing approximately 17,000 residential, office, and functional properties and units, not only for the Department of State, but for all U.S. Departments, agencies, and personnel overseas. The Department's latest inspection and survey identified 4,100 maintenance needs, with an estimated cost of \$250,000,000. In addition, it has identified 64 major facility rehabilitation projects that need to be implemented over the next five years at an estimated cost of \$260,000,000. The need appears to be far greater than the available funding. The Committee renews its direction to the Department to submit an updated five-year plan and to identify the current backlog of needed repairs as soon as possible, so that the Committee can keep track of the Department's progress in addressing these needs.

The Administration's request for this account, less the \$4,000,000 requested for new facilities in the countries of the former Soviet Union, which is not approved, is broken out in the following table. Funding for the new facilities can be undertaken with proceeds

from sale of existing real estate. The Committee recommendation requires a reduction of \$12,060,000 from the requested amounts.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

[In thousands of dollars]

<i>Activities</i>	<i>FY 1997 recommended</i>
Capital building program	0
Leasehold program	\$122,557
Functional programs:	
Physical security upgrades	5,000
Fire life safety	6,890
Energy conservation	1,961
Power support program	5,696
Seismic program	673
Hazardous material inspection	2,750
Maintenance of buildings	68,991
Facility rehabilitation	49,000
Facility maintenance assistance	35,110
Interior planning and design	7,308
Project supervision and engineering	30,382
Construction security	21,634
Headquarters	24,108
Undistributed reduction	(- 12,060)
 Total recommended	 370,000

Management of existing real estate portfolio.—Given the budget constraints under which the Committee is operating, there is not likely to be any appropriation for new buildings for any time in the foreseeable future. Funding for any required new facility is likely to be available only from the proceeds of the sale of existing real estate. As a result, it is incumbent upon the Department to step up its management of its existing real estate portfolio. A recent General Accounting Office report indicated that more could be done with the disposition of unneeded properties, and the Committee believes the Department really has no choice but to actively pursue these recommendations in order to meet identified facility needs. The Committee has specifically recommended disposition of the Hamilton, Bermuda residence, and the Department is expected to examine any facility that is larger, or more costly to operate, than can be justified.

In order to assure oversight of the disposition and acquisition of facilities, the Department is expected to submit a quarterly report on its transactions, and to seek a reprogramming with respect to plans for any major new facility, such as an embassy, or consulate.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The Committee recommends \$5,800,000 to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service. This amount is the same as the budget request, but is \$200,000 less than the amount appropriated for fiscal year 1996.

The Committee has included a provision in the bill which permits up to \$1,000,000 to be transferred from this account to the Repatriation Loans Program account, as requested in the budget. This provision will ensure an adequate level of resources for loans to American citizens through the Repatriation Loans Program account

should that account require additional funds in fiscal year 1997 due to an unanticipated increase in the number of loans needed.

The appropriation provides resources for the Department of State to meet emergency requirements in the conduct of foreign affairs. The Committee recommendation provides funds for: (1) travel and subsistence expenses for relocation of American, United States Government employees and their families from troubled areas to the United States and/or safe-haven posts; (2) allowances granted to State Department employees and their dependents evacuated to the United States for the convenience of the Government; and (3) payment of rewards for information concerning terrorist and narco-terrorist activities.

REPATRIATION LOANS PROGRAM ACCOUNT

The Committee has included \$593,000 for the subsidy cost of repatriation loans, which is the same as in the current fiscal year and the budget request, and \$663,000 for administrative costs of the program as authorized by 22 U.S.C. 2671, which is the same as in the budget request, and an increase of \$480,000 over the current fiscal year.

The reason for the increase over the fiscal year 1996 level is that the Inspector General issued an audit which recommended that "the Department take action to properly classify all Repatriation Loan Program administrative expenses" to comply with the Credit Reform Act of 1990. Previously, administrative costs have been split between this account and the Salaries and Expenses account.

This account provides emergency loans to assist destitute Americans abroad who have no other source of funds to return to the United States.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The accompanying bill includes \$15,001,000 for the appropriation entitled, "Payment to the American Institute in Taiwan". This amount is the same as the budget request, and \$144,000 below the amount provided in fiscal year 1996.

The Committee believes it would be helpful in examining this account if the budget submission displayed total funding availability for this activity, including both appropriated funds and funds derived from other sources, and requests that this change be made in the fiscal year 1998 budget.

The Taiwan Relations Act requires that programs concerning Taiwan be carried out by the American Institute in Taiwan and authorizes funds to be appropriated to the Secretary of State to carry out the provisions of the Act. The Institute administers programs in the areas of economic and commercial services, cultural affairs, travel services, and logistics. The Department of State contracts with the American Institute in Taiwan to carry out these activities.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The Committee recommends \$126,491,000 for the appropriation entitled, "Payment to the Foreign Service Retirement and Disability Fund". This amount is the full budget request and is \$1,089,000

more than the amount appropriated for fiscal year 1996. The increase provided in the Committee recommendation is required to amortize the unfunded liability in the system, as documented by the annual evaluation of Fund balances.

This appropriation, which is considered mandatory for budget scorekeeping purposes, is authorized by the Foreign Service Act of 1980 which provides for an appropriation to the Fund in 30 equal annual installments of the amount required for the unfunded liability created by new benefits, new groups of beneficiaries or increased salaries on which benefits are computed. The Retirement Fund is maintained through contributions by participants; matching government contributions; special government contributions, including this account; interest on investments; and voluntary contributions.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The recommendation includes a total of \$875,000,000 for payment of the obligations of United States membership in international organizations as authorized by conventions, treaties, or specific Acts of Congress for fiscal year 1997 and no advance appropriations. This is \$17,000,000 below the fiscal year 1996 appropriation, and is \$170,000,000 below the budget request for fiscal year 1997. In addition, the budget request includes a proposal for advance appropriations of \$43,076,000 for each fiscal year from 1998 through 2001 for payment of arrearages, for which the Committee has not recommended any funding under this account. Consideration is given to the arrearage issue under the Contributions to International Peacekeeping Activities account.

The Committee includes language, carried in the fiscal year 1996 Appropriations Act, withholding from the United Nations \$80,000,000 of the total funds available under this heading, to be made available on a quarterly basis upon certification by the Secretary of State that the United Nations has taken no action 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 for the biennium 1996–1997 adopted in December, 1995.

The Committee also includes language, carried in previous years, relating to: (1) payment of arrearages; (2) a prohibition on use of funds to pay for interest on borrowed funds; and (3) a certification requirement that the United Nations has established an independent Office of Inspector General.

The Committee also recommends a new provision allowing the transfer of up to \$10,000,000 to the International Conferences and Contingencies account, to provide a source of funding, should it be required, for a number of provisional international organizations for which funding may be required in fiscal year 1997. This issue is discussed further under International Conferences and Contingencies.

The Committee notes that the total fiscal year 1997 request for international organizations increased by \$153,000,000, or 17 percent, over the amount appropriated in fiscal year 1996. At a time

of fiscal restraint, when all parties are committed to reaching a balanced budget, and funding for most domestic and international programs is being reduced, providing an increase for assessments for nearly every international organization is difficult at best.

The budget request is to a certain extent overstated. Using current currency exchange rates, the total assessment required would be reduced by approximately \$22,000,000. In addition, the budget request includes funding for organizations from which the United States has withdrawn. Furthermore, the request does not take into account credits against assessments that, for instance, reduced the assessment payable to NATO in fiscal year 1996 by approximately \$10,000,000. Reductions from these factors approach \$50,000,000. In addition, the request includes the assessment for an organization that will be established only after the Chemical Weapons Convention comes into force, the timing of which remains uncertain.

Nonetheless, the budget request for current year assessments represents a sizable increase, for which resources are not available. The Committee recommendation will require the Administration to prioritize among organizations.

The Committee's recommendation is made upon the same basis as the fiscal year 1996 appropriation that was enacted into law. Funding is expected to be provided to fund the full fiscal year 1997 assessment for the International Atomic Energy Agency, the World Trade Organization, the North Atlantic Treaty Organization and the related North Atlantic Assembly, and the United Nations, subject to certifications included in the bill. No funds are provided for the five organizations which were not funded in fiscal year 1996, of which the principal one is the United Nations Industrial Development Organization, from which the United States has withdrawn. Any shortfall in funding is to be allocated among the remaining organizations and is to be prioritized according to the importance of each international organization to the national interest of the United States.

Reform.—At a time when funding for domestic programs is being significantly reduced because of budget constraints, international programs will be subject to the same scrutiny. In order to bring the costs of memberships in these international organizations under control, substantial reforms are necessary: first, to establish true zero-based budgeting as the way these organizations function; and second, to achieve the internal reforms necessary to assure the organizations stay within their budgets and funding is not being provided for inefficient, unnecessary or duplicative purposes.

Some initial reforms have been achieved: the creation of an Inspector General at the United Nations; the enactment into law of a reduction in the peacekeeping rate of assessment paid by the United States to 25 percent; and the passage of a no-growth budget at the United Nations for the 1996–1997 biennium. However, the U.N.'s willingness to follow through on the no-growth budget is in question. The U.N. has already committed to expenditures that exceed the budget, in return for vague promises about finding savings over the course of the biennium. The Committee has repeated a condition enacted in fiscal year 1996 that conditions \$80,000,000 of funding for the U.N. on a certification by the Secretary of State that the U.N. has taken no action to exceed its no-growth budget.

That certification should not be made until real offsets have been adopted to pay for the costs of activities not contemplated in the biennial budget adopted in December, 1995. This is a critical test of whether reforms promised in return for funding will be real or will be abandoned once funding is received.

Beyond that, the need for substantial reform at the U.N. is long overdue and widely acknowledged. The Administration has proposed an initiative that would entail the payment of arrearages in return for reforms to be agreed upon by the Administration and Congress. The Committee has addressed this proposal, as it relates to the U.N., under the next account, Contributions to International Peacekeeping Activities.

With respect to other international organizations, reform efforts are not really underway. The most notable achievement has been the Administration's decision to withdraw from lower priority organizations, including the United Nations Industrial Development Organization, the Pan American Railway Congress Association, and the World Tourism Organization. The Committee notes that the budget requested assessments in this account for payments to six organizations, the budgets of which the United States voted against; two organizations which the United States abstained from approving; and one which the United States did not support. Furthermore, six of the largest organizations do not have audit and investigation units that meet the test of what the United States would expect of an Inspector-General-type operation. A first step to begin the reform process in the other international organizations is to insist on no-growth budgets that will require those organizations to undertake initiatives to promote efficiency and eliminate wasteful spending, and to establish Inspector General operations to investigate waste, fraud, and abuse. The Department is to report by February 1, 1997 on progress in these areas.

Arrearages.—The budget includes a request to pay \$43,076,000 in arrearages to international organizations in fiscal year 1997 and to provide advance appropriations of \$43,076,000 for 1998 through 2001, totaling \$215,380,000, in return for statutorily-imposed conditions concerning the reform of international organizations. Of the total amount, \$56,015,000 is for the U.N., which is the total of U.S. arrearages with respect to the U.N. regular assessment, and the balance is for 22 other organizations, of which the largest amount is for the Food and Agriculture Organization. The Committee addresses the issue of U.N. arrearages under the next account, but has not recommended any action with respect to the arrearages of the remaining organizations at this time, because there has been no agreement on reforms or a timetable for implementing them with respect to the other organizations.

Other issues.—The budget requests funding under this account for the Organization for the Prevention of Chemical Weapons, an organization that will be established if the Chemical Weapons Convention comes into force. The amount requested for the U.S. assessment for this organization is \$24,935,000, which is much greater than the \$17,000,000 requested in fiscal year 1996 in anticipation of entry into force, and would mean a first year operating budget for the organization of \$100,000,000. The cost of this organization appears to be increasing greatly even before U.S. ratification or

entry into force of the Convention, which causes concern about the ultimate annual cost of this organization and whether steps are being taken to control the cost before it becomes operative. The Committee requests a report by February 1, 1997 on why the anticipated first-year budget is so large, what the ultimate annual cost is expected to be, and what steps are being taken to control the cost.

No funding is provided for support of world-wide conferences, which the Administration says it does not support, but which continue to occur with U.S. participation.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The Committee recommends a total of \$332,400,000, for United States payments for Contributions for International Peacekeeping Activities for fiscal year 1997 and no advance appropriations. This is \$26,600,000 below the amount provided in fiscal year 1996, and \$92,600,000 below the budget request for fiscal year 1997. It is \$692,880,000 below the total budget request including advance appropriations. The recommendation for fiscal year 1997 is \$871,000,000 below the total amount appropriated in the fiscal year 1995 appropriations bill, indicating how greatly peacekeeping assessments have been reduced over the past two years.

The budget requests \$425,000,000 for fiscal year 1997, including \$282,600,000 for estimated peacekeeping assessments for fiscal year 1997 and \$142,400,000 for payment of arrearages. In addition, the budget includes a request for advance appropriations of \$600,280,000 for payment of arrearages, comprised of \$150,070,000 for each of fiscal years 1998, 1999, 2000, and 2001. Payment of arrearages is proposed to be contingent on meeting conditions imposed by law concerning the reform of the United Nations, but no specific conditions are proposed in the budget request.

The Committee's recommendation for fiscal year 1997 provides a total of \$332,400,000, of which \$282,400,000 is for fiscal year 1997 peacekeeping assessments, and \$50,000,000 is for payment of arrearages, subject to conditions. No funds are recommended as advance appropriations.

Payment of FY 1997 peacekeeping assessments.—The Committee recommends \$282,400,000 for estimated assessments for the cost of U.N. peacekeeping missions in fiscal year 1997. This is \$200,000 below the budget request, and \$77,000,000 less than fiscal year 1996. Assessments will be paid at the rate of 25 percent, which is one of the major reforms that have been achieved in the peacekeeping area. The overall amount provided for peacekeeping indicates that the trend for the cost of peacekeeping missions continues sharply downward, as the U.N. has ended involvement in large and costly missions, like Somalia and UNPROFOR in Bosnia. The issue in fiscal year 1997 is to bring to an end a number of missions that should be ready to phase out, like Haiti, the follow-on missions in the former Yugoslavia, Western Sahara, and others.

The bill retains language enacted in fiscal year 1996, requiring 15-day advance notice of any new or expanded mission, together with a statement of cost, duration, exit strategy, national interest, and source of funds to pay the cost. The bill also retains bill lan-

guage requiring certification that American manufacturers and suppliers are provided equal procurement opportunities.

Payment of arrearages.—The Committee recommends \$50,000,000 for arrearages in fiscal year 1997, compared with the budget request of \$142,400,000 in fiscal year 1997, and advance appropriations of \$600,280,000 in fiscal years 1998–2001. Payment of the \$50,000,000 for arrearages is contingent upon certification by the Secretary of State that at least two of the following have been achieved: (1) savings of \$100,000,000 will be achieved in the biennial operating expenses of four components of the United Nations—the United Nations Conference on Trade and Development, the Regional Economic Commissions, the Department of Public Information, and the Department of Conference Services—and travel and overtime; (2) the number of professional and general service staff employed by the United Nations Secretariat will be at least ten percent below the number of such positions on January 1, 1996 at the conclusion of the 1996–1997 biennium; and (3) the United Nations has adopted a budget outline for the 1998–1999 biennium that is below \$2,608,000,000, as part of a five-year program to achieve major cost-saving reforms in the United Nations and specialized agencies. The agencies named under (1) are components of the U.N. that the United States has taken the position are in need of reform, and for which the U.S. has recommended budget reductions. This will require that the \$100,000,000 reduction in expenses be achieved by the end of calendar year 1997. Under (3), the budget outline is to be calculated under procedures that include within the budget adequate amounts for contingencies and that require the absorption or offset of all unbudgeted costs. The rationale in making arrearage payments contingent upon budget reductions is that if these budget reductions are carried out, the cost of U.S. membership in the U.N. will decline, and the proposed arrearage payments will be paid back through these savings.

The Committee has made this recommendation to indicate that if the U.N. is serious about reform, and willing to undertake basic reforms that will lead to a streamlined, less costly and improved organization, the Committee will endeavor to take steps to address the arrearage issue. However, unlike the Administration's proposal, which called for four years of advance appropriations for peace-keeping arrearages up front, the Committee believes any effort to address arrearages must be taken a step at a time, and a year at a time, and should be proportional to the reform that the U.N. achieves. The Committee cannot support payment of arrearages if the funding will be used to support wasteful practices and business-as-usual. The Committee looks forward to working with the House International Relations Committee and the State Department on a comprehensive five year reform plan in conjunction with the proposal for payment of arrearages.

The reason there are substantial arrearages is due almost entirely to the fact that in fiscal year 1995 the Administration submitted a supplemental request of \$672 million to pay 1995 peace-keeping costs which was not approved by the Congress because the Administration refused to identify budget offsets to pay for the supplemental. (Currently, the U.S. is insisting the U.N. offset budget increases with reductions in other programs.) Were it not for the

Administration's unwillingness to propose a budget-neutral way to pay these assessments without increasing the deficit, arrearages to the U.N. recognized by the U.S. would be relatively small, amounting to approximately \$56 million in assessments for the U.N. regular budget. It should be noted that the level of arrearages to the U.N. that the U.S. recognizes as legally payable is between \$500 and \$600 million, less than half of what the U.N. claims.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

The Committee does not recommend separate funding to finance the U.S. participation in multilateral intergovernmental conferences and contributions to new or provisional international organizations. This is \$2,996,000 less than provided in fiscal year 1996 and \$5,820,000 less than requested in the budget.

International Conferences.—This account has not functioned as the Committee believes it should, to coordinate or in any way limit the number of participants in conferences. The current practice is for this account to fund a number of government participants in an international conference, but, in addition, any Department has the ability to send any number of additional participants and pay for the costs out of its own budget. The Office of International Conferences has a rule of thumb that there should not be more than ten delegates to a conference, but that rule is honored oftentimes in the breach. Neither the Office of International Conferences nor any other office appears to have the authority to limit the number of participants or the expenses associated with attendance at international conferences. As a result, the funds provided in this account end up functioning as an additional source of travel funds for participants in international conferences.

In the fiscal year 1996 report, filed on July 19, 1995, the Committee noted that the Department needed to do a more rigorous job of prioritizing which of the approximately 700 scheduled conferences the U.S. chose to attend and of limiting the number of representatives. It further recommended that the Department follow up on the recommendation of the State Department Inspector General to consult with the Office of Management and Budget on expanding the authority of the Office of International Conferences to monitor overall costs to the U.S. government as well as the size and composition of conference delegations, and a report on the results of that effort was requested. The Committee received a four paragraph report on July 2, 1996, which did not mention whether any consultation with OMB had taken place.

The Committee believes that a mechanism is necessary to coordinate the size and cost of delegations to international conferences. Until such a mechanism is set up, however, the Committee does not see the purpose of providing funding for this account.

New or Provisional Organizations.—The other purpose of this account is to provide contingency funds for new or provisional international organizations. To assure that such funds are available, language is included under the Contributions to International Organizations account to allow the transfer of up to \$10,000,000 to this account for the purpose of providing such funds. This transfer authority is necessary, because several preparatory commissions may come into existence in fiscal year 1997, including Preparatory

Commission II under the Chemical Weapons Convention, the Preparatory Commission that would result if the Comprehensive Test Ban Treaty is signed, and the Biological Weapons Convention Review Conference. Funding for the latter two commissions was requested as part of the Arms Control and Disarmament Agency's budget. In addition, this transfer authority could be used to fund two small organizations that are currently funded under this account.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

The recommendation includes a total of \$24,953,000 for the International Boundary and Water Commission, United States and Mexico (IBWC). This amount is \$6,284,000 more than the amount provided in fiscal year 1996, and \$885,000 less than the total budget request for fiscal year 1997. The total amount provided includes \$18,490,000 for Salaries and Expenses and \$6,463,000 for Construction.

SALARIES AND EXPENSES

The Committee recommendation for the Salaries and Expenses account is \$18,490,000, an increase of \$6,446,000 over the amount provided in fiscal year 1996 and \$26,000 less than the budget request.

The recommendation includes the full program increase of \$6,472,000 to fund costs for the operation and maintenance of the new South Bay International Sewage Treatment Plant which is scheduled to begin operation in fiscal year 1997. When fully operational, this plant will treat Tijuana sewage, and make a major contribution toward ending a severe pollution problem that has impacted San Diego and surrounding areas.

The increase is partially offset by a decrease of \$26,000 from the budget request, which is to be taken as a general administrative reduction.

CONSTRUCTION

The Committee recommendation for IBWC Construction provides \$6,463,000, which is \$162,000 below the amount provided in fiscal year 1996, and \$859,000 below the budget request. The Committee understands that there is up to \$859,000 remaining from amounts previously appropriated for Mexican participation in the International Wastewater Treatment Plant which has not been identified for other uses. The Committee intends that this carryover, together with the appropriation of \$6,463,000, be used to fund all activities requested in the budget, including all costs associated with the start-up of the Treatment Plant, as well as reimbursement to San Diego for treatment of increased sewage flows.

IBWC is reminded that it needs to keep the Committee informed of any plans that might be formulated with respect to its headquarters office building.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The Committee recommends a total of \$5,490,000 to fund the U.S. share of expenses of the International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission for fiscal year 1997. This amount is \$301,000 less than the amount provided in fiscal year 1996, and \$137,000 less than the budget request.

The Committee recommendation provides \$615,000 for the International Boundary Commission, \$22,000 below the current year and \$6,000 below the budget request. The International Boundary Commission is responsible for maintaining the boundary line between the United States and Canada.

The Committee recommendation provides \$3,225,000, for the International Joint Commission, \$132,000 below the current year, and \$35,000 below the request. The mission of the International Joint Commission is to oversee water resource projects along the U.S.-Canadian border and assist the United States and Canada to resolve issues and disagreements regarding the use of water, and address other environmental issues along the U.S.-Canadian border.

The Committee recommendation also includes \$1,650,000 for the third year of funding for the Border Environment Cooperation Commission (BECC), authorized under the legislation approving the North American Free Trade Agreement (NAFTA). This is \$147,000 below the amount appropriated in fiscal year 1996, and \$96,000 below the request. BECC works with States, local communities and nongovernmental organizations to propose environmental infrastructure projects eligible for financing by North American Development Bank. The House-passed Foreign Operations appropriations bill reduced fiscal year 1997 funding for NAD Bank by approximately 10 percent, and, as a result, the Committee has recommended a slight reduction in BECC funding to adjust to the fact that financing will be available for fewer projects.

INTERNATIONAL FISHERIES COMMISSIONS

The recommendation provides a total of \$10,450,000 to fund the U.S. share of the expenses of ten International Fisheries Commissions, participation in the International Council for the Exploration of the Sea, participation in the North Pacific Marine Sciences Organization, travel expenses of the United States commissioners and their advisors, and salaries of nongovernment employees of the Pacific Salmon Commission for days actually worked as commissioners and panel members and alternates.

The recommendation is \$4,216,000 below the amount provided in fiscal year 1996, and \$4,219,000 below the request, primarily because of a transfer of funds for a portion of the Great Lakes Fishery Commission budget to another account in this bill.

The Committee recommendation provides the requested level for the Great Lakes Fishery Commission of \$8,353,000, the same as last year, despite the fact that Canada has reduced its contribution by 20 percent, but has provided it under two different accounts: \$4,254,000 for the Commission under this account, and \$4,099,000 for the sea lamprey eradication program under the National Oce-

anic and Atmospheric Administration, Oceanic and Atmospheric Research account. This has been done to put the United States on a par with the way Canada is paying its obligations to the GLFC.

Canada currently provides a cash contribution of approximately \$900,000 to GLFC for central administration, and provides for sea lamprey eradication through in-kind contributions to its equivalent of the U.S. Fish and Wildlife Service. The U.S., on the other hand, has been providing its contribution of \$8,353,000 all in cash to GLFC, which in turn contracts with the U.S. Fish and Wildlife Service for sea lamprey eradication. GLFC can then collect interest on the U.S. contribution until such time as it pays the bill from the Fish and Wildlife Service. In fact, in fiscal year 1996, GLFC will receive \$659,000 in interest on U.S. contributions for sea lamprey programs. Rather than have the Federal Government borrow money to make the payment of these funds to GLFC, which GLFC can then use to collect interest, it would make much greater sense to provide sea lampricide services in kind, as the Canadians do. Consequently, the Committee has provided the funding for the sea lampricide program under NOAA, which can then arrange directly with the U.S. Fish and Wildlife Service to carry out the sea lampricide program. NOAA is obviously better qualified to administer a sea lampricide program than is the State Department.

In addition to the transfer of \$4,099,000 to NOAA, the Committee has recommended a reduction of \$120,000 from the requested amount, to be taken from any proposed increases over fiscal year 1996 contribution levels for commissions funded under this account.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The Committee recommends an appropriation of \$8,000,000 for payment to the Asia Foundation for fiscal year 1997. This is \$3,000,000 above the amount provided in fiscal year 1996 and proposed in the budget request. The Foundation received an appropriation of \$15,000,000 in fiscal year 1995.

The Asia Foundation is a private, nonprofit institution, the purpose of which is to stimulate Asian democratic development and assist the peoples of Asian countries to shape their own destinies.

The Committee believes that the Asia Foundation plays an important role in promoting democracy in Asia, and has recommended an increase in funding to assure adequate funding for its activities, as it continues to seek increased outside funding to support its operations in the future.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

The Committee recommends \$38,495,000 for the basic operating expenses of the Arms Control and Disarmament Agency (ACDA) for fiscal year 1997, which is \$9,960,000 below the request, and \$143,000 below the amount appropriated in fiscal year 1996. In ad-

dition, in fiscal year 1996, ACDA was given the authority to use carryover funds originally appropriated for Chemical Weapons Convention activities for operating expenses.

The fiscal year 1997 request contained two items that are not included in the recommendation: \$4,000,000 for activities related to the implementation of a Comprehensive Test Ban Treaty, in the event that the treaty negotiations result in an agreement, and \$525,000 for the Biological Weapons Convention Review Conference. Authority has been provided under the State Department Contributions to International Organizations account to transfer up to \$10,000,000 to the International Conferences and Contingencies account to allow funding for these sorts of activities, should the events leading to the convening of these commissions take place.

The Committee has provided the same level of appropriation for ACDA as was provided in fiscal year 1996, with one exception. The Committee has permanently transferred \$143,000 from ACDA to the State/ACDA Inspector General as a first step in providing the IG with direct funding for oversight of ACDA. Currently, the IG must request funding from ACDA to conduct such oversight activities. The Committee believes that is not an appropriate arrangement, and urges that full funding for the IG's activities with respect to ACDA be requested in the IG's budget in fiscal year 1998.

The Committee believes there are a number of actions ACDA can take to operate within the recommended funding level without harming the basic mission of the agency: (1) eliminate positions that are duplicative with the Bureau of Political Military Affairs at the State Department (State has eliminated at least four positions, including an Assistant Secretary, while ACDA has eliminated none); (2) convert reimbursable details from other agencies, which cost in excess of \$6,000,000, to a non-reimbursable basis; (3) rely on the 500 government-wide research and development programs related to arms control and non-proliferation funded in excess of \$2.5 billion a year for research needs; (4) move operations in The Hague to the embassy; (5) cut back on ACDA's fellows programs; and (6) reduce the size of the public relations office.

The Committee understands that meetings between State and ACDA are taking place to further discussions on reductions in overlap and clarification of responsibilities. The Committee requests bi-monthly reports on the progress of these discussions. This issue has been pending since the Vice President proposed reductions in ACDA and the State Department to eliminate duplication as part of the second phase of the National Performance Review in January, 1995. Preliminary recommendations that were discussed included personnel reductions in both agencies. However, a year and a half later, this issue has not been resolved, and the Vice President's office has not issued any instructions on implementing those recommendations. The Committee believes it is time for this issue to be brought to a close.

The Arms Control and Disarmament Agency negotiates, advises on, and assesses compliance with, arms control and nonproliferation agreements.

UNITED STATES INFORMATION AGENCY

The Committee recommends a total of \$1,035,050,000 for the United States Information Agency to carry out the information, educational and cultural exchange activities, and international broadcasting operations of the Agency. The Committee recommendation also provides requested funding for the National Endowment for Democracy for fiscal year 1997. The Committee recommendation also provides for the requested appropriation of interest and earnings on the Eisenhower Exchange Fellowship Program Trust Fund and the Israeli Arab Scholarship Endowment Fund. This total amount is \$90,718,000 less than the budget request for these items, and \$49,333,000 less than the fiscal year 1996 appropriation. The details of the Committee's recommendations for the eight appropriations of the Agency are contained in the following paragraphs.

SALARIES AND EXPENSES

The Committee recommends \$439,300,000 for the Salaries and Expenses appropriation of the United States Information Agency (USIA). This amount is \$28,716,000 less than the budget request, and \$6,071,000 below the amount appropriated in fiscal year 1996.

The Committee recommendation includes the following limitations on the use of funds similar to those carried in the bill in previous years: (1) \$700,000 for temporary employees; (2) \$25,000 for entertainment, including official receptions as authorized by law; (3) \$1,400,000 for representation abroad as authorized by law; (4) \$7,615,000, to remain available until expended, in fees credited to this appropriation which are received in connection with English teaching, library, motion pictures, student advising and counseling, and publication programs; and (5) \$1,100,000 to remain available until expended to carry out projects involving security construction and related improvements for agency facilities not physically located together with State Department facilities abroad.

The Committee recommendation assumes that adjustments to base will be absorbed. Reductions below the fiscal year 1996 appropriation are to be taken in the following areas: research and media reaction in relation to non-essential polling activities; and operations in western Europe and Canada, which are parts of the world that have the freest access to information and are most likely to be exposed to the American point of view through other means.

USIA has undergone major reductions over the past several years. Compared with fiscal year 1994, the fiscal year 1997 request will fund 1,000 fewer employees, a reduction of nearly 20 percent. Twenty-eight posts around the world have been closed. The Committee recommendation will require further reductions. USIA will need to continue to downsize, streamline and re-engineer its structures and processes to carry out its activities with less resources.

The Committee understands that funds were provided for a book donation program out of USIA's special use set aside in fiscal year 1996. The Committee would have no objection to provision of those funds through that mechanism in fiscal year 1997.

TECHNOLOGY FUND

The Committee recommends \$5,050,000 for the Technology Fund, the same level as provided in fiscal year 1996, and \$4,950,000 below the budget request. The purpose of this account is to establish a technology investment fund to modernize USIA's non-broadcasting computer and telecommunications infrastructure and to replace an investment strategy that relied heavily on available year-end funds.

Due to budget constraints, the recommendation freezes this account at last year's level. USIA will have to prioritize its technology projects. However, the Committee encourages USIA to develop its plans for establishment of a high-speed digital network, and to provide the Committee with a plan for its implementation no later than February 1, 1997.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The bill includes a total of \$185,000,000 for the Educational and Cultural Exchange Programs of the United States Information Agency. This amount is \$14,727,000 less than in fiscal year 1996, and \$17,412,000 below the budget request. In addition, USIA expects to receive a transfer of approximately \$30,000,000, the same amount as in fiscal year 1996, to continue Freedom Support Act exchange programs.

Within the total, the Committee recommends \$98,000,000 for the Fulbright program, and \$87,000,000 for other programs. To the maximum extent possible, the conferees urge that the following exchange programs be supported: the International Visitors Program, the Pepper Scholarships, including the Executive Education Program for Central European Business and Professional Leaders, the Muskie Fellowships, the Humphrey Fellowships, the Disability Exchange Clearinghouse, the Congress Bundestag Exchanges, the South Pacific Exchanges, other Asian exchanges, including the Mike Mansfield Fellowship Program, and the Institute for Representative Government. With respect to the Newly Independent States exchanges, the Committee expects that funding will be distributed equitably among high-school, college, graduate, and post-graduate programs.

In its fiscal year 1996 report, the Committee requested a report on whether the administration of the Fulbright program should be opened up to competition. The report provided by USIA indicated that the Agency might decide to compete one major component of the program, and if so, then it would likely begin with the fiscal year 1998 program year. In view of the declining resources for exchange programs, and the need to find new ways to save costs, the Committee believes it would be worthwhile to find out whether substantial savings and improvements can be attained through competition. The Committee expects the Agency to establish an appropriate mechanism for an open competition for administration of the Fulbright program as expeditiously as possible, to consider conducting the competition on a regional basis, and to report to the Committee no later than December 20, 1996 on its plans.

In addition, the Committee would like USIA to provide a report on the issue of whether the Muskie Fellowships and the Regional

Exchange Program should be opened up to Central and Eastern Europe, no later than February 1, 1997.

Within the total amount of funding provided, funding for exchange support activities is included.

The Committee expects that a proposal for the distribution of the available resources among exchange programs, as well as proposed enhancements for exchanges with the Newly Independent States, will be submitted through the normal reprogramming process prior to final decisions being made.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The Committee recommends an appropriation of interest and earnings totaling \$600,000 in the Eisenhower Exchange Fellowship Program Trust Fund, authorized by the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101-454).

The Eisenhower Exchange Fellowship Act of 1990 authorized a permanent endowment for the Eisenhower Exchange Fellowship Program to increase educational opportunities for young leaders in preparation for and enhancement of their professional careers and to advance peace through international understanding. The Act established the Eisenhower Exchange Fellowship Program Trust Fund in the United States Treasury for these purposes. A total of \$7,500,000 has been provided to establish a permanent endowment for the program, from which the appropriation of interest and earnings is provided to Eisenhower Exchange Fellowships, Incorporated.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The Committee recommends language in the accompanying bill which will appropriate interest and earnings of the Israeli Arab Scholarship Endowment Fund totaling \$400,000. This is the full budget request and the same as was enacted in fiscal year 1996. A permanent endowment of \$4,978,500 for the Fund was established in fiscal year 1992 with funds made available to the United States Information Agency under section 556(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, as amended. The income from the endowment is to be used for a program of scholarships for Israeli Arabs to attend institutions of higher education in the United States.

AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

The Committee has not included language relating to the American Studies Collections Endowment Fund, because all remaining funds in the fund are being expended in fiscal year 1996. This account was proposed for deletion in the budget submission, as well.

INTERNATIONAL BROADCASTING OPERATIONS

The Committee recommends \$335,700,000 to carry out United States International Broadcasting Operations for fiscal year 1997. This is \$29,706,000 below the budget request and \$13,933,000 less than the comparable amounts provided in fiscal year 1996. The Committee recommendation includes funding for all international

broadcasting activities under this account, including Broadcasting to Cuba, as requested in the budget, except for television broadcasting to Cuba, which is not funded. Under the United States International Broadcasting Act of 1994, all broadcasting activities are under the responsibility of the Broadcasting Board of Governors. In fiscal year 1996, funding was provided separately for Broadcasting to Cuba.

The bill retains language included in fiscal year 1996 relating to representation expenses, authorized fees, and authority to use funds for Broadcasting to Cuba for radio facilities as well as operations. The bill does not retain language that allowed \$5,000,000 to remain available until expended, and does not include language proposed in the budget to allow purchase of aerostats, since no funding is included in the request for this purpose.

The Committee recommendation provides for funding at 1996 levels for activities in this account, except for television broadcasting to Cuba, which is not funded, and assumes that adjustments to base will be absorbed. Reductions below the fiscal year 1996 appropriation are to be taken in the following areas: the Broadcasting Board of Governors, as proposed in the budget, and WORLDNET television, to adjust its budget to account for less emphasis to be placed on production activities.

International broadcasting has undergone major reductions over the past several years. Compared with fiscal year 1994, the fiscal year 1997 request will fund 1,500 fewer positions, a reduction of 31 percent. Direct broadcast programming hours have been reduced by 24 percent. Five relay stations have been closed. The Committee recommendation for fiscal year 1997 is 29 percent lower than the fiscal year 1994 appropriation. At the recommended funding level, further reductions will be required, and broadcasting will still need to prioritize its activities to provide services to those countries that are most in need of the voice of freedom.

The Committee is especially concerned about obligations continuing for Asia Pacific Network/Radio Free Asia without an approved plan in place justifying the expenditure of appropriated funds. The Committee has been made aware that the plan submitted by the Broadcasting Board of Governors in November, 1995, in accordance with the 90-day deadline in Public Law 103-236, is not being followed for the expenditure of funds for this new entity. Neither has a new or revised detailed plan been provided to the Committee. In view of this continuing lack of approval of a plan for operations of APN/RFA, the Committee directs that none of the funds appropriated in this Act may be obligated for APN/RFA until the Committee has approved a detailed operating plan which indicates which transmission facilities will be utilized and the total transmission costs, and shows over a five-year period that the mission can be accomplished within a \$10 million annual operating level. The Committee's concern extends to current expenditures of prior year balances, and it encourages the Broadcasting Board of Governors not to increase current staffing and activities for APN/RFA until it can submit a plan justifying those expenditures to the Committee and demonstrating that this is a cost-effective avenue for the United States government to enhance its broadcasting to Asia. The Committee believes that planning and justification materials

for a new entity should be at least as detailed and rigorous as for ongoing programs.

The Committee is concerned that it has not seen a plan and cost estimate for the relocation of the headquarters of the Office of Cuba Broadcasting to south Florida but understands that the Broadcasting Board of Governors has appointed a subcommittee to develop a plan. As soon as the plan is completed, the USIA and the Broadcasting Board of Governors shall provide a report to the Committee on the employees that are expected to move, the cost of the move, and the source of funds to pay for the move.

USIA and the Broadcasting Board of Governors are directed to provide their plan for the expenditure of funds under this account to the Committee prior to the start of the fiscal year.

RADIO CONSTRUCTION

The bill includes \$39,000,000 in new budget authority for the Radio Construction account for fiscal year 1997. This amount is \$164,000 less than the budget request and \$946,000 less than the level provided in fiscal year 1996. The amount recommended will provide for maintenance, improvements, replacements and repairs; satellite and terrestrial program feeds; engineering support activities; and broadcast facility leases and land rentals.

The title of this program is somewhat of a misnomer. In fiscal year 1997, there will only be one major construction project underway, to build a shortwave relay station in the Northern Mariana Islands, to improve broadcasts to Asia. That project has been downsized from original plans for an \$87 million project to a \$20 million project, for which the \$6,000,000 included in the budget request represents the second year of funding.

The remaining funds in this account are provided for engineering support activities, and for maintenance, repair and modernization of equipment to allow USIA to keep its broadcasting system operational. The major element in the proposed modernization funding is to move forward on digital processing and distribution, which is required to replace the current analog system that is on the verge of obsolescence.

Funding for this program has been severely reduced. Prior to fiscal year 1996, the level of appropriations averaged twice the current level.

BROADCASTING TO CUBA

Funding for Broadcasting to Cuba is considered under the International Broadcasting Operations account, as requested in the fiscal year 1997 budget.

EAST-WEST CENTER

The Committee does not recommend funding for maintaining and operating the East-West Center. The budget contained a request of \$8,800,000, and in fiscal year 1996, \$11,750,000 was provided.

Because of budget constraints, the Committee does not recommend continued funding for the East-West Center as a sole-source appropriation to a private organization affiliated with a university. The purpose of the Center is to promote better relations

and understanding between the United States and the nations of Asia and the Pacific through cooperative programs of research, study and training.

The Center started receiving a direct subsidy from the Federal government in fiscal year 1961. Over the past ten years, the Federal government has provided \$216,180,000 for its operation.

In fiscal year 1995, the Center received \$3,401,000 in other Federal grants and \$8,887,000 in private funding, so it should be possible to continue the core functions of the Center without this funding.

NORTH/SOUTH CENTER

The Committee does not recommend funding for continued support of the operations of the North/South Center. The budget contained a request of \$970,000, proposed as a continuation of the phase-out of Federal funding, and \$2,000,000 was provided in fiscal year 1996.

Because of budget constraints, the Committee cannot recommend continued funding for this sole-source appropriation to a non-governmental organization affiliated with a university. The mission of the Center is to promote, through cultural and technical exchanges, better relations among the United States, Canada, and the nations of Latin America and the Caribbean.

The Center started receiving a direct subsidy from the Federal government in 1991. Since that time, the Federal government has provided \$37,400,000 for its operations. Prior to 1991, the Center operated on private funding and competed for project-specific Federal grants.

The discontinuation of Federal funds does not necessarily mean the dissolution of the Center. The Center can solicit private donations and compete for Federal grants available to support its programs and research, as it did prior to 1991.

NATIONAL ENDOWMENT FOR DEMOCRACY

The Committee recommends \$30,000,000 for the National Endowment for Democracy for fiscal year 1997, the same as the budget request and the amount provided in fiscal year 1996.

The National Endowment for Democracy is a private, non-profit corporation established to encourage and strengthen the development of democratic institutions and processes internationally through private-sector initiatives, training, and other activities, including those which promote pluralism, democratic governance, civic education, human rights, and respect for the rule of law. The Endowment does not carry out programs directly, but provides funding for projects which are determined to be in the national interest of the United States and which are administered by private organizations and groups.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

The Committee recommends the following general provisions for the Department of State similar to the provisions that were included in the fiscal year 1996 Appropriations Act:

Section 401 of the bill permits funds appropriated in this Act for the Department of State to be available for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 5 U.S.C. 1343(b).

Section 402 of the bill permits up to five percent of any State Department appropriation to be transferred to another State Department appropriation, but no program can be increased by more than ten percent, and also provides the same authority to United States Information Agency programs. In addition, the language provides that any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 605 of the accompanying bill and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

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

Section 404 waives the statutory requirements that programs in this title be authorized prior to obligation or expenditure of funds.

Section 405 requires any closing or downsizing costs incurred by any agency funded in this title to be absorbed within the resources of the agency, and allows transfer authority to carry out this requirement, subject to reprogramming requirements.

The Committee also recommends section 406, which is described in the following paragraphs:

The Constitution (Article II, Section 2), gives the President power “. . . by and with the Advice and Consent of the Senate, to make treaties, . . .”.

The Committee notes that on June 25, the Administration announced that preliminary agreement had been reached with Russia, Ukraine, Belarus and Kazakhstan on two key issues relating to the Anti-Ballistic Missile Treaty (ABM) of 1972. The first of these agreements will establish a Phase I Agreed Statement on demarcation between theater missile defense systems and ABM systems. The second, a Memorandum of Understanding on succession, will expand membership in the 1972 ABM treaty to include the former Soviet states of Ukraine, Belarus and Kazakhstan.

It is the view of the Committee that both these agreements are of a significant substantive nature. Further, a major impact of these agreements would be the negative effect of limiting the ability of the United States to develop and deploy effective and technologically advanced missile defense systems designed to protect the American people from ballistic missile defense. Because they are substantive, the agreements under consideration in the Standing Consultative Commission (SCC) should be submitted by the President to the Senate for full and open discussion and Senate advice and consent as provided for in the Constitution. However, the Executive refuses to assure the Congress they will be submitted.

The Committee therefore recommends language which prohibits the use of funds made available by this Act or any other Act to support the negotiating activities of the Standing Consultative Commission (SCC) or to implement agreements, amendments or under-

standings to the Anti-Ballistic Missile Treaty of 1972 reached after January 1, 1996 by the Standing Consultative Commission, or pursuant to United States-Russian bilateral discussions, regarding demarcation or the multilateralization of the ABM Treaty. The President may waive this prohibition if he certifies to the Congress that any amendments, agreements or understandings reached pursuant to these activities or discussions will be submitted to the Senate for its advice and consent.

The language recommended by the Committee does not prejudice the outcome of the Senate's constitutional responsibility to provide its advice and consent to treaty changes; it simply balances and protects the roles of both the President and the Senate in the treaty making process. If the Executive would assure the Congress that these agreements will be submitted to the Senate, the language recommended by the Committee would be unnecessary.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

The Committee recommendation includes a total of \$166,200,000 in new budget authority, plus an additional \$148,430,000 for liquidation of contract authority, for the Maritime Administration for fiscal year 1997, as described below:

OPERATING-DIFFERENTIAL SUBSIDIES

(APPROPRIATION TO LIQUIDATE CONTRACT AUTHORITY)

The Committee recommends \$148,430,000 for payment of obligations incurred for operating-differential subsidies of American flag vessels. This amount is the full request, and represents a decrease of \$14,180,000 below the amount made available for the program in fiscal year 1996. This amount does not score against the Committee's 602(b) allocation for budget authority or outlays. This program is being phased out as operating-differential contracts expire.

MARITIME SECURITY PROGRAM

The Committee recommends \$63,000,000 for the Maritime Security Program, subject to authorization, a reduction of \$37,000,000 from the budget request. Together with the amount appropriated in fiscal year 1996, this funding will provide for the operation of the program through fiscal year 1997. The authorization for this program passed the House on December 6, 1995 and is pending in the Senate. The purpose of the Maritime Security Program is to maintain and preserve a U.S. flag merchant fleet to serve the national security needs of the United States. This program is funded under the allocation for national security programs.

The Committee recommends bill language that conforms the title of the program to the House-passed authorization, and retains language similar to that carried in fiscal year 1996, making the appropriation contingent upon enactment of an authorization for the program, modified to delete reference to the Secretary of Defense. The budget submission requested language providing for expenditure of

funds for this program under the authority of the Merchant Marine Act, 1936.

The Committee expects the Maritime Administration to submit a notification on the proposed operation of this program and the proposed distribution of these funds prior to the initiation of this program.

OPERATIONS AND TRAINING

The Committee recommends an appropriation of \$62,300,000 to fund programs under the Operations and Training account for the Maritime Administration (MARAD). This amount is a reduction of \$15,797,000 from the budget request, and is a decrease of \$4,300,000 below the amount appropriated for the current fiscal year. This account provides funding for the U.S. Merchant Marine Academy, the State maritime schools, and other MARAD operations and training.

The Committee recommendation includes sufficient funding for the operation and maintenance of the U.S. Merchant Marine Academy at no less than the fiscal year 1996 appropriated level. The Committee has not specifically allocated the balance of the funds, to provide a measure of flexibility, as requested by the MARAD Administrator. However, the Committee intends that the amount of funding available for additional training, operating programs and general administration of MARAD be no higher than the amount appropriated for the current fiscal year, less the expected carryover remaining in this account. The Committee notes that the following savings can be utilized to assure sufficient funds for the programs funded under this account: the pending request by the Administrator that two of the five State school ships be funded under the Ready Reserve Force program, and sale for scrap of two vessels (of the 65 awaiting sale) in the National Defense Reserve Fleet, of which 25 percent of the proceeds can be used for the State school ships. As in fiscal year 1996, no funds are provided in fiscal year 1997 for the MARAD research and development program. MARAD is directed to provide its plan for the expenditure of funds under this account to the Committee prior to the start of the fiscal year.

The Committee has not included language carried in previous years' appropriations acts providing that funds derived from the sale or disposal of National Defense Reserve Fleet (NDRF) may be used for training and other costs at the U.S. Merchant Marine Academy and the State maritime academies, because language contained in the Maritime Heritage Act (P.L. 103-451) addresses the availability of such funds. The Committee has not included language, carried in previous years, making this appropriation available until expended.

MARITIME GUARANTEED LOAN PROGRAM

The Committee has included a total of \$40,900,000 in the bill for the Maritime Guaranteed Loan (Title XI) Program. This amount is \$3,100,000 less than the budget request, and is \$2,600,000 less than the amount provided for fiscal year 1996. The bill also includes a total program limitation of \$1,000,000,000.

The amount provided includes \$37,450,000 in subsidies for the guaranteed loan program, which will provide a total program level

of up to \$1,000,000,000. This compares with \$40,000,000 provided in fiscal year 1996 and requested in the budget. The reduction in the appropriation for the loan program is due to the availability of carryover from previous years. In addition, changes to the program in pending legislation could result in a lower overall subsidy rate for the program, which would allow a higher program level to be supported with this level of funding.

Also, the Committee notes that the amount of loans that the appropriation supports depends upon the risk factor applicable to the loans that MARAD approves. To the extent that the program concentrates on lower-risk loans, the appropriation will support a higher total program level, and any risk of default will be decreased. The Committee wants to ensure that any loan guarantees issued meet the economic soundness requirement under Title XI, and would like MARAD to provide a report on the process by which loan applications are selected, including an explanation of how economic soundness and risk of default are taken into account, by February 1, 1997.

The amount provided also includes \$3,450,000 for administrative expenses related to this program, \$50,000 below the amount provided in fiscal year 1996, and a reduction of \$550,000 below the budget request. The amount provided for administrative expenses may be transferred to and merged with appropriations for MARAD operations and training to cover the common overhead expenses associated with maritime guaranteed loans.

ADMINISTRATIVE PROVISIONS

The bill includes several administrative provisions involving government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund. These provisions have been carried in appropriations Acts for the Maritime Administration for several years.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The Committee recommends \$206,000 for the expenses of the Commission for the Preservation of America's Heritage Abroad. This amount reflects the same level of funding for the Commission as provided in fiscal year 1996 and as requested in the budget. The recommendation will allow the Commission to fund its administrative expenses through appropriated funds while relying on privately donated funds for the actual purchase and restoration of property.

The purpose of the Commission is to encourage the preservation of cemeteries, monuments, and historic buildings associated with the foreign heritage of the American people.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The Committee recommends an appropriation of \$8,740,000 for the Salaries and Expenses of the Commission on Civil Rights for fiscal year 1997. The amount recommended is \$2,660,000 less than the budget request and the same level provided in the current year appropriation.

The Committee recommends bill language which provides: (1) \$50,000 to employ consultants; (2) a prohibition against reimbursing commissioners for more than 75 billable days with the exception of the chairman who is permitted 125 billable days; and (3) a limitation of four full-time positions under schedule C of the Excepted Service exclusive of one special assistant for each commissioner whose compensation shall not exceed the equivalent of 150 billable days at the daily rate of a level 13 salary under the General Schedule (GS).

The Subcommittee on the Constitution of the Judiciary Committee, the authorizing committee for the Commission in the House of Representatives, has requested that funding not be increased above the current year appropriation until Congress takes further action on reauthorization of the Commission. Furthermore, the Committee understands that the Commission was able to increase its permanent staffing by ten, even though the fiscal year 1996 resource level reflected a small decrease in resources over the previous year. The Committee therefore believes that the level provided for fiscal year 1997 should continue to be adequate to support the Commission's requirements.

The Committee continues to believe, as was stated in the House report last year, that the Commission can augment its resources for fact-finding and research-related tasks by utilizing detail employees from agencies that have expertise in civil rights and related matters. The Committee recommends that the Commission explore with the authorizing committee any changes necessary to existing authorizations to allow for these types of agreements.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

The Committee recommends an appropriation of \$2,196,000 for fiscal year 1997 for the Commission on Immigration Reform, which is \$302,000 below the amount requested and an increase of \$302,000 above the total amount available to the Commission for fiscal year 1996.

The Commission's mandate is to review and evaluate the impact of U.S. immigration policy and to transmit to the Congress a report of its findings and recommendations for additional changes that should be made with respect to immigration into the United States. The Commission is required to issue a final report to the Congress on September 30, 1997. The additional funds provided are to support the timely completion of this report.

The Committee's recommendation provides funds to: support salaries of the nine Commissioners and the Commission staff; travel

to hearings and meetings; office expenses; and support Commission meetings, hearings and research activities.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The Committee recommends an appropriation of \$1,090,000 for the Commission on Security and Cooperation in Europe, the same level as appropriated in fiscal year 1996 and as requested in the budget. The Committee notes that the Commission also receives administrative support from the House of Representatives, and believes it would be useful in future budget justifications to display the total budget of the Commission, including both the appropriations request from this Subcommittee and the support expected to be provided by the House.

The Commission was established in 1976 to monitor compliance with the final act of the Conference on Security and Cooperation in Europe, with particular regard to provisions dealing with humanitarian affairs.

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

The Committee does not recommend any funding for the Competitiveness Policy Council. An appropriation of \$50,000 was provided in fiscal year 1996, but bill language was included stating that that amount represented the final appropriation to the Council. While a budget request of \$897,000 was submitted, the Council has not pursued the request, and did not submit a budget justification to the Committee in support of the request.

As of the end of fiscal year 1995, the Council had approximately \$1,500,000 in carryover funds available to it. The Council expects to spend approximately \$1,000,000 in fiscal year 1996 to complete its work, and use the balance to achieve an orderly shut down.

As stated in the Committee's report accompanying the fiscal year 1996 appropriations bill, the Committee believes that the Council is duplicative of private sector organizations, such as the Council on Competitiveness, which focus on the same issues without the use of Federal funds.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The Committee recommends \$232,740,000 for the Salaries and Expenses of the Equal Employment Opportunity Commission for fiscal year 1997. This amount is \$35,260,000 less than the request, and is the same amount provided in the current year appropriation.

The bill also includes language included in previous appropriations acts allowing: (1) non-monetary awards to private citizens; (2) up to \$26,000,000 for payments to State and local agencies; and (3) up to \$2,500 for official reception and representation expenses. Language is not included that would make unobligated funds available until September 30, 1998.

The Committee understands that the EEOC plans to implement Alternative Dispute Resolution in its administrative process to reduce its backlogs and provide mediation-based means to resolving cases. On June 4, 1996, the House passed H.R. 2977, the Alternative Dispute Resolution Act of 1996, which reauthorizes the use of alternative means of resolving disputes in the Federal administrative process. The Committee believes that implementation of ADR will reduce the requirement for additional resources for EEOC.

FEDERAL COMMUNICATIONS COMMISSION
SALARIES AND EXPENSES

The Committee recommends total budget authority of \$185,619,000 for the Salaries and Expenses of the Federal Communications Commission (FCC) for fiscal year 1997, of which \$126,400,000 is to be derived from offsetting fee collections. This will result in a direct appropriation of \$59,219,000, a decrease of \$10,796,000 below the request. The amount provided is equal to the current year appropriation.

The FCC is an independent agency charged with regulating interstate and foreign communications by means of radio, television, wire, cable and satellite.

The Committee also recommends bill language, similar to that included in previous appropriations acts, which allows: (1) up to \$600,000 for land and structures; (2) up to \$500,000 for care of grounds and buildings; (3) up to \$4,000 for official reception and representation expenses; (4) up to \$300,000 for research and policy studies to remain available until September 30, 1998; (5) authority to purchase uniforms and acquire vehicles; (6) special counsel fees; (7) the collection of \$126,400,000 in section 9 fees; (8) the appropriation to be reduced as section 9 fees are collected; and (9) fees collected in excess of \$126,400,000 to be available in fiscal year 1998.

The Committee is concerned that the FCC has not taken sufficient actions to streamline and reduce its operations in response to passage of the landmark Telecommunications Act of 1996 (P.L. 104-104). While the Committee understands that the Commission will experience a short-term increase in workload in some areas, the Committee believes that further opportunities exist to streamline and downsize the Commission as a result of the de-regulation of the industry. Therefore, the Committee encourages the FCC to re-evaluate all of its functions and to eliminate those unnecessary regulatory functions which have been reduced or eliminated by this Act. Such actions will enable the Commission to achieve budgetary savings while promoting greater competition in the industry.

The Committee has not provided requested increases related to the cost of relocating the FCC headquarters into consolidated new space. The fiscal year 1997 request included \$30,000,000 for the costs associated with the relocation, and the FCC anticipates that an additional \$10,000,000 will be required in fiscal year 1998. It is the Committee's understanding that there have been delays, thereby reducing the fiscal year 1997 requirements for the move to \$19,000,000. However, even with the reduced requirement, the

Committee's funding allocation will not support such significant increases for this agency in the current fiscal climate, and the Committee remains concerned about the extremely high cost estimates associated with this proposed relocation. Therefore, the Committee urges the FCC to continue to work to find lower cost alternatives to provide for the relocation. Should actions relating to the proposed move be necessary in fiscal year 1997, the FCC would be required to submit a reprogramming of funds under Section 605 of the bill to cover such costs from within available resources.

The Committee has included language in the bill prohibiting the FCC from challenging radio license applications or renewals for religious broadcasters on the grounds that requiring religious knowledge, training, or expertise for employees is discriminatory. These concerns have arisen because of the potential impact of such actions on legitimate religious free speech. The Committee expects the FCC not to deny any license application, license transfer or assignment, or license renewal on these grounds inconsistent with the right to exercise this free speech in recruitment and hiring practices. However, the bill includes a provision which exempts from this prohibition any appeal from a decision of any administrative law judge rendered on September 15, 1995.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The Committee recommends an appropriation of \$11,000,000 for the Salaries and Expenses of the Federal Maritime Commission (FMC) for fiscal year 1997. This amount is a reduction of \$3,836,000 below the amount provided for the current fiscal year and a reduction of \$4,000,000 below the budget request. On May 1, 1996, the House passed the Ocean Shipping Reform Act, which provides for: the continuation of FMC's enforcement activity through January 1, 1997; the phase-out of the FMC, as part of the deregulation of the international ocean shipping industry; and the transfer of remaining functions to the Secretary of Transportation. The amount recommended by the Committee will allow the FMC to continue enforcement activity through January 1, 1997, and then provide sufficient funds to proceed with close-out activities.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The Committee recommends total budget authority of \$93,819,000 for the Salaries and Expenses of the Federal Trade Commission (FTC) for fiscal year 1997, the full amount requested and \$5,070,000 below the current year appropriation. Of this amount, \$7,889,000 is to be derived from prior year unobligated fee collections, and \$58,905,000 is to be derived from current year off-setting fee collections from premerger filing fees under the Hart-Scott-Rodino Act, resulting in a net direct appropriation of \$27,025,000. The Committee notes that any use of remaining unobligated fee collections from the prior year are subject to the reprogramming requirements outlined in section 605 of this Act.

The mission of the FTC is to enforce a variety of Federal anti-trust and consumer protection laws. Under these laws, the Commission seeks to ensure that the nation's markets are competitive, function vigorously and efficiently, and are free from undue governmental and private restrictions. The Commission also seeks to improve the operation of the marketplace by eliminating deceptive and unfair practices.

The Committee recommends bill language, similar to that included in previous appropriations acts, which: (1) allows for purchase of uniforms and hire of motor vehicles; (2) allows up to \$2,000 for official reception and representation expenses; (3) allows for the collection of fees; (4) allows for the sum appropriated to be reduced as fees are collected; (5) allows fees in excess of the amount designated in the bill to be available in fiscal year 1997, (6) prohibits the use of funds to implement section 151 of the Federal Deposit Insurance Corporation Improvements Act of 1991, and (7) makes funds appropriated from the Treasury for the FTC available until expended.

The Committee is concerned about the lack of FTC enforcement of consumer protection laws with regard to franchises, having heard reports of franchiser abuse. The Committee urges the Commission to continue to act aggressively to protect and enforce the rights of franchisees, the majority being small businesses with limited resources that leave them unable to engage in costly legal battles.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION SALARIES AND EXPENSES

The Committee does not recommend an appropriation for the expenses of the Japan-United States Friendship Commission for fiscal year 1997. In fiscal year 1996, an appropriation of \$1,247,000 and the equivalent of \$1,420,000 in Japanese currency was provided, representing the interest on a Fund established in 1975. The fiscal year 1997 budget included a request of \$1,250,000 and the equivalent of \$1,420,000 in Japanese currency.

Under the terms of Public Law 94-118, which established the Japan-United States Friendship Commission, the Commission was authorized to spend up to 5 percent of the principal of the Japan-United States Friendship Trust Fund. Since 1990, however, the Fund has operated under a policy of spending no funds out of the principal, and relying on appropriations of interest earned on the Fund to finance its operations, supplemented by gifts from outside sources. The net result of this policy is to create a perpetual Commission, financed by an appropriation which, like any other appropriation, constitutes a discretionary expenditure that increases the deficit.

The Committee believes that, in this time of fiscal restraint, it makes far more sense for the Commission to operate on a self-financing basis, as was apparently envisioned in the original legislation, by spending five percent of its Fund capital per year, over a twenty-year period. The Fund currently contains approximately \$15,000,000. These funds, together with funds obtained from outside sources, would allow the Commission to maintain its highest

priority activities over a twenty-year period, without the need for annual appropriations, and then sunset.

The Japan-U.S. Friendship Commission supports programs in Japanese studies, policy research, the arts, and public affairs.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The Committee recommendation provides \$141,000,000 for the Legal Services Corporation for fiscal year 1997. This amount is a decrease of \$199,000,000 below the request, and \$137,000,000 below the amount provided in fiscal year 1996. This amount includes: (1) \$134,575,000 for grants to basic field programs; (2) \$5,300,000 for management and administration to administer these grants on a competitive basis; and (3) \$1,125,000 for the Office of the Inspector General for oversight of the Corporation and its grantees.

This recommendation is made in order to assure that a mechanism exists to provide poor individuals with access to the civil justice system, while basic policy decisions are being considered by the Congress. There is widely divergent opinion within Congress on the best way to provide access to the legal system for the poor, ranging from continuing the program as it was prior to fiscal year 1996, to continuing funding at or near the level provided in fiscal year 1996 together with the reforms that were enacted to end the Legal Service Corporation's involvement in areas of continuing controversy, to converting the program to a block grant, to ending Federal assistance entirely and replacing it with pro bono assistance to be rendered by local bar associations. Determining which policy to pursue is beyond the jurisdiction and the expertise of the Appropriations Committee in a bill that provides more than \$29 billion in appropriations for hundreds of different programs.

In fiscal year 1996, this appropriations bill set an interim course of funding reductions and program restrictions that was intended to be a placeholder for authorization committee action. That authorization bill has never been brought to the floor. The only course of action that appears open to the Committee is to provide another interim measure of funding, likely to please no one, to ensure that low income individuals have access to the courts while basic policy decisions are made in the authorization process about the manner in which legal assistance to the poor is provided.

In addition to providing a limited amount of funding, in keeping with past practices the committee has included several provisions that continue the applicable restrictions on the allowable use of funds provided that were enacted as part of the fiscal year 1996 Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The Committee recommendation includes language that has the effect of continuing all statutory requirements and restrictions contained in the fiscal year 1996 appropriation, with one modification.

Section 501 requires that no funds may be used to provide financial assistance to any person or entity except through a competitive

selection process conducted in accordance with regulations promulgated according to the criteria set forth in the section of the fiscal year 1996 bill that required competition for Legal Services grants for all grantees. Language is again included which overrides the presumptive refunding of grantees under the Legal Services Corporation Act, in order to assure the real competitions take place that make awards to the best qualified applicants.

Section 502 requires that none of the funds may be expended for any purpose prohibited or limited by, or contrary to, any of the provisions in sections 501, 502, 505, 506 and 507 of the fiscal year 1996 bill. Section 501 of the fiscal year 1996 bill required that funding for basic field programs be distributed by geographic area, based on the number of poor people residing in each area. Section 502 of the fiscal year 1996 bill set forth the eligibility requirements for LSC grantees. Section 505 of the fiscal year 1996 bill prohibited use of funds for payment of any fees or dues to any membership or advocacy organization. Section 506 of the fiscal year 1996 bill prohibited use of funds to file or pursue a lawsuit against LSC. Section 507 of the fiscal year 1996 bill prohibited use of funds for any purpose contrary to any authorization for LSC that is enacted into law, and provides that the provisions of an authorization bill supersede any conflicting provisions in these administrative provisions.

Section 502 also requires that none of the funds may be expended for any purpose prohibited by or limited by, or contrary to, any of the provisions of section 504 of the fiscal year 1996 bill, and provides that the fiscal year 1997 funds are subject to the same terms and conditions as set forth in section 504 with certain exceptions. Section 504 is the section of the fiscal year 1996 bill that set forth a comprehensive list of requirements and restrictions on the activities undertaken by Legal Services grantees with Federal or non-federal funds. These restrictions include: redistricting, lobbying and rulemaking activities; class actions; collection of attorneys fees; representation of illegal aliens; abortion, prisoner and welfare litigation; defending suspected drug dealers in public housing in eviction litigation; and advocacy and union organizing. In addition, LSC grantees are required to name plaintiffs and maintain statements of facts when filing complaints, and maintain timekeeping records for oversight purposes.

Section 502 also clarifies transition rules with respect to cases involving attorney's fees by making clear that those transition rules remain in effect as of the date of enactment of the fiscal year 1996 appropriations bill.

In addition, while section 502 continues the prohibition in the fiscal year 1996 appropriations bill on use of funds for representation of illegal aliens, it also makes an exception, to allow non-Federal funds to be used to provide legal assistance in domestic violence and related matters. The Committee has taken this action to ensure that individuals confronted with domestic violence have a way to access the Legal Services system. While Legal Services certainly plays a role in assuring that a victim of domestic violence has recourse, the Committee notes that it has also provided funding for a comprehensive commitment to this problem elsewhere in this bill. Under State and Local Law Enforcement Assistance, Office of Jus-

tice Programs, in the Justice title of this bill, the Committee has provided \$197,500,000 for Violence Against Women Act programs. This funding is available to provide law enforcement prosecutors and victim services for victims of domestic violence, including counselors, court advocates to assist in obtaining protection orders; and programs addressing stalking and implementing more effective police and prosecution policies, protocols, orders and services specifically identified to respond to violent crimes against women. In fiscal year 1996, the Committee provided \$175,000,000 for these programs, a 573 percent increase over fiscal year 1995, and to date only \$473,000 of those funds have been obligated by the Department of Justice, despite the Committee's intention that this comprehensive network of assistance, both civil and criminal, be available to address this growing problem.

Section 503 makes applicable in fiscal year 1997 the requirements in the fiscal year 1996 bill relating to annual audits.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The Committee recommends \$975,000 for the Marine Mammal Commission for fiscal year 1997. This is \$359,000 below the request, and \$214,000 below the current appropriation. The Committee notes that the National Marine Fisheries Service (NMFS) in the Commerce Department is the primary Federal agency charged with providing the necessary scientific research and evaluation of marine resources, including marine mammals. In this bill NMFS is provided \$292,907,000 in resources. The Committee feels that the Commission can achieve its goals at this reduced level of funding by seeking greater efficiencies in its operation, and by working more closely with NMFS to identify and eliminate overlap and duplication, particularly in the area of research.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

The Committee recommends no funding for the Martin Luther King, Jr. Federal Holiday Commission, as proposed in the budget. In fiscal year 1996, an appropriation of \$350,000 was provided, with bill language stating that 1996 represented the final appropriation for the Commission. This was in accord with the decision of the Commission to sunset operations at the end of fiscal year 1996. The amount provided in fiscal year 1996 was sufficient to permit the Commission to carry out the last year of activities and to provide for closing costs.

NATIONAL BANKRUPTCY REVIEW COMMISSION

SALARIES AND EXPENSES

The Committee recommends \$500,000 for the National Bankruptcy Review Commission. No amount was requested or appropriated in fiscal year 1996.

The Commission was appropriated \$1,000,000 in fiscal year 1995 by transfer from the Department of Justice Working Capital Fund.

The Administration submitted a budget amendment on July 10, 1996 requesting \$500,000 in additional funds for the Commission. The request is to allow the Commission to complete its work, and provides funding for the Commission at the full level of the authorization.

The Commission was created to: investigate and study issues related to the Bankruptcy Code; solicit views from parties concerned with the operation of the bankruptcy system; evaluate proposals; and submit a report of its findings to the President, Congress and the Chief Justice by 1997.

OUNCE OF PREVENTION COUNCIL

The Committee recommendation does not include funding for the Ounce of Prevention Council in fiscal year 1997. In fiscal year 1996, \$1,500,000 was provided for this program and \$9,000,000 was requested for fiscal year 1997.

The primary purpose of the Council is to coordinate crime prevention information through development of a crime prevention catalogue and providing assistance to communities seeking information regarding prevention programs. The Committee believes that these responsibilities are duplicative of other information dissemination, coordination and assistance functions that already exist in Federal agencies that administer crime prevention programs. Furthermore, States and localities are also assisted by non-profit organizations active in crime prevention, such as the National Crime Prevention Council, to obtain needed information on crime prevention strategies.

In addition, the Council's grant program, for which \$8,000,000 is requested, includes grants for summer and after school recreation programs, mentoring, programs assisting employability, and outreach programs for at-risk families. Other grant programs under Juvenile Justice and State and Local Law Enforcement Assistance under the Department of Justice are available for States and localities to provide these types of programs at their own discretion.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The Committee recommends overall funding for the Securities and Exchange Commission (SEC) of \$297,021,000, the same as provided in fiscal year 1996. The overall funding is made up of the following components: (1) a direct appropriation of \$83,047,000 for fiscal year 1997, a decrease of \$20,014,000 below the direct appropriation provided in fiscal year 1996; (2) offsetting fees expected to provide \$193,974,000 in fiscal year 1997, compared to \$184,293,000 in fiscal year 1996; and (3) carryover of \$20,000,000, compared with \$9,667,000 in fiscal year 1996. The Administration proposed an appropriation of \$308,189,000, to be reduced to zero upon enactment of legislation, which has not yet been submitted, to provide for the self-financing of the SEC from fees.

The Committee recommendation includes bill language providing offsetting fees in accordance with the SEC reauthorization legislation that passed the House on March 12, 1996, and was also included in securities reform legislation that passed the House on

June 19, 1996. These fees consist of registration fees under section 6(b) of the Securities Act of 1933 in the amount of one thirty-third of one percent, compared with one twenty-ninth of one percent in fiscal year 1996, and transaction fees on over-the-counter transactions in the amount of one eight-hundredth of one percent for each \$1 million of the aggregate dollar amount of sales of last sale reported securities. These transaction fees would be collected on a semi-annual basis. Under the authorization bill, the amount of offsetting fees would gradually decline over the course of five years.

While the total funding level assumed for fiscal year 1997 is the same as in fiscal year 1996, if the amount of carryover realized is greater than the level assumed, the Committee would consider a reprogramming to provide a level of funding more in accord with the budget request.

In addition, the Committee recommends bill language, similar to that included in previous appropriations acts, which: (1) allows for the rental of space; (2) makes up to \$3,000 available for official reception and representation expenses; (3) makes up to \$10,000 available for a permanent secretariat for the International Organization of Securities Commissions; (4) makes up to \$100,000 available for expenses of meetings and consultations with foreign governmental and regulatory officials; (5) appropriates a total of \$277,021,000 and reduces that amount to not more than \$83,047,000 as offsetting fees are collected; and (6) makes fees collected in excess of \$193,974,000 available until expended, but not available for obligation until October 1, 1997. The bill does not include language included in fiscal year 1996 earmarking specific amounts for the Office of Economics and for Investment Advisers Act enforcement.

SMALL BUSINESS ADMINISTRATION

The accompanying bill provides a total of \$691,212,000 for the five appropriations accounts of the Small Business Administration (SBA). This amount is an increase of \$1,980,000 over the fiscal year 1996 enacted amounts, and a decrease of \$217,166,000 below the total budget request for fiscal year 1997. The details for the five SBA appropriation accounts are contained in the following paragraphs.

The Committee has found that the format for budget justification material submitted by the SBA fails to provide the Committee with the necessary information in sufficient detail and in a clear and concise manner to enable proper analysis of the budget request. Therefore, the Committee expects the SBA to work with the Committee to develop a new format for the budget justification material for submission with the fiscal year 1998 budget.

SALARIES AND EXPENSES

The Committee recommends \$220,419,000 for the Salaries and Expenses of the SBA. This is a decrease of \$18,282,000 below the budget request and \$1,725,000 below the amount available for the current fiscal year for SBA's regular Salaries and Expenses account. The amount provided is partially offset by \$6,000,000 in fees to be collected from the distribution of publications produced by

SBA and from fees for loan servicing activities, resulting in an overall appropriation of \$214,419,000 for this account.

In addition, \$93,485,000 is available from the Business Loans Program account for administrative expenses, and \$100,078,000 is available from Disaster Loans Program account for administrative expenses. These amounts are to be transferred to and merged with the Salaries and Expenses account for a total of \$413,982,000 available for the operating and non-credit programs of the SBA, compared to a total request of \$410,791,000, and \$415,690,000 appropriated in fiscal year 1996.

The Committee recommendation includes requested bill language authorizing \$3,500 for official reception and representation expenses and language authorizing SBA to charge fees to cover the cost of publications and certain loan servicing activities. The language also permits revenues received from all such activities to be credited to the Salaries and Expenses account and to be available for carrying out these purposes without further appropriations.

The recommendation provides funding at the fiscal year 1996 level for the headquarters and field operations of the SBA but provides no program increases and assumes adjustments to base will be absorbed within the total provided. In addition, the Committee recommendation includes language in the bill designating \$94,218,000 for the non-credit programs of the SBA, including \$3,000,000 to be available only for projects jointly developed, implemented, and administered with the Minority Business Development Agency of the Department of Commerce.

The Committee recommendation includes a total of \$94,218,000 for non-credit initiatives, as follows:

Small Business Development Centers	\$68,000,000
Minority Development Programs	3,000,000
SCORE	3,250,000
Microloan technical assistance	12,322,000
Enterprise zone one-stop shops	2,767,000
Export assistance centers	3,000,000
Women's Demonstration Projects	1,200,000
Women's Council	194,000
Business Information Centers	485,000
Total, non-credit initiatives	\$94,218,000

The Committee remains concerned that many of SBA's and the Commerce Department's Minority Business Development Agency (MBDA) programs and activities are similar or duplicative. The Committee is concerned that MBDA and SBA have not made sufficient progress in the directives included in last year's report requiring MBDA and SBA to work together and submit an implementation plan to the Committee for the elimination or merger of duplicative activities. In particular, the Committee is concerned about possible overlap and lack of coordination among the agencies in the areas of technical assistance, capital formation, international trade, and information technologies.

The Committee is aware that the Small Business Administration and Department of Commerce have recently formed an interagency working group to address these issues and develop plans for greater cooperation. Therefore, the Committee has provided \$3,000,000 each within MBDA and within SBA non-credit initiatives under minority development programs, including the Section 7(j) manage-

ment and technical assistance programs, for projects jointly developed, implemented, and administered by SBA and MBDA.

In addition, the Committee recommendation has provided \$68,000,000 for the Small Business Development Center program. The Committee expects additional resources will be available to SBDCs due to action taken in the fiscal year 1996 bill which removed the prohibition against SBDCs charging nominal fees for the consulting services to provide the same overall level of funding as in fiscal year 1996.

Further, within the amounts provided, the Committee expects the SBA to work closely with existing small business incubators, continue to help small businesses adapt to a paperless procurement environment and assist other programs that ease the regulatory burdens on small businesses.

OFFICE OF INSPECTOR GENERAL

The Committee recommends \$8,900,000 for the Office of Inspector General of the SBA under this heading. Further, an additional \$500,000 has been provided under the administrative expenses of the Disaster Loans Program to be made available to the Office of Inspector General for work associated with the oversight of the disaster loan program. Thus, the recommendation provides a total of \$9,400,000 to be available to the Office of Inspector General in fiscal year 1997, a \$900,000 increase over the current year, and \$585,000 below the request.

The Committee has provided additional resources to the Office of Inspector General for additional program review activity. The Committee believes that additional efforts in this area will assist the Committee in its efforts to ensure that Federal programs funded in the SBA are cost effective.

BUSINESS LOANS PROGRAM ACCOUNT

The Committee recommends \$164,668,000 for the Business Loans Program Account for subsidies for direct and guaranteed business loans, and an additional \$93,485,000 for administrative expenses related to this account. The amount provided for administrative expenses may be transferred to and merged with the appropriation for SBA salaries and expenses to cover the common overhead expenses associated with business loans. In addition, the recommendation includes a provision in the bill, carried in fiscal year 1996, allowing up to \$40,510,000 to remain available until September 30, 1998.

As required by the Federal Credit Reform Act of 1990, the Congress is required to appropriate an amount sufficient to cover the estimated losses associated with all direct loan obligations and loan guarantee commitments made in fiscal year 1997, as well as the administrative expenses of the loans. The subsidy amounts are estimated on a net present value basis, and the administrative expenses are estimated on a cash basis.

The Committee recommendation includes \$2,792,000 for the credit subsidy cost of the SBA's Direct Loan Program, an amount equal to the request, and \$1,708,000 below the amount provided for fiscal year 1996. The Committee recommendation is intended to fund only direct loans under the Microloan program, as requested.

The subsidy amount of \$2,792,000 will fund an overall program level of \$34,049,000. The amount provided assumes a phase-out of the direct loan portion of the Microloan program as Microloan guarantees are increased.

The Committee recommendation provides \$161,876,000 for the business loan guaranty program, instead of \$318,580,000 as requested and \$156,226,000 as provided for fiscal year 1996.

As part of fiscal year 1997 budget request, the Office of Management and Budget included reestimated subsidy rates for the two largest SBA loan programs, the Section 7(a) general business loans program and the Section 504 Development Company program, that potentially cause major problems for these programs. The Section 7(a) subsidy rate was increased from 1.06 percent to 2.68 percent, and the Section 504 subsidy rate was increased from 0 percent to 6.85 percent. In order to maintain the same program levels assumed for these two programs in fiscal year 1996 with the subsidy rate changes, the overall appropriations would have had to increase by \$361,800,000. The Administration indicated in the budget it would propose a number of legislative changes to reduce such a substantial need for direct appropriations, but still requested a \$179,399,000 increase over the amount appropriated for the current fiscal year for the section 7(a) program. The Committee has been working closely with the House Small Business Committee, which is considering legislation to take steps to lower the subsidy rates and preserve small business programs without requiring such large increases in appropriations.

Nonetheless, the decisions facing the Committee on these programs are not easy. In fiscal year 1996, on the basis of legislative changes enacted by Congress in consultation with SBA, the 7(a) program level was expanded from a \$7,800,000,000 program in fiscal year 1995 to a \$10,886,880,000 program in fiscal year 1996, and the 504 Development program level from \$1,571,374,000 in fiscal year 1995 to \$2,650,000,000 in fiscal year 1996. This was done without any indication to the Congress that OMB was considering raising the subsidy rates so substantially for fiscal year 1997 due to problems in the management of the loan portfolio. Had this been known, the Committee would have been much more cautious about the fiscal year 1996 level. However, the actual program level for the 7(a) program does not appear likely to reach the level assumed for fiscal year 1996. As a result, by using carryover from fiscal year 1996, and by working closely with the authorizing committee, it appears possible to solve the problem by continuing the SBA programs at close to the actual fiscal year 1996 program levels, with a more moderate increase in appropriations.

The Committee would note that the decision to increase the subsidy rates for these small business loans is the result of OMB coming to the conclusion that these programs are not as well-managed and as low-risk as had been assumed. The Committee believes it is important for the SBA to report on what the causes of this increase in subsidy rates are and to indicate what steps are being taken in the management of the programs to improve them by February 1, 1997.

The recommendation assumes enactment of legislative changes now being considered by the Small Business Committee. The Com-

mittee's assumptions for the subsidy amounts proposed are provided below:

7(a) Business loan program.—The Committee has included subsidy appropriations of \$144,200,000 for the 7(a) general business loan program, instead of \$294,800,000 as proposed in the request and \$114,500,000 as provided for fiscal year 1996. The Committee recommendation assumes the enactment of legislative changes, currently under consideration by the authorization committee, which will reduce the subsidy rate from the current 2.68 percent down to 2.0 percent. In addition, the Committee understands that the latest estimate for the 7(a) program anticipates a program level not to exceed \$8,500,000,000 in fiscal year 1996. As a result, SBA expects to have available \$24,000,000 in carryover from the 7(a) program. This carryover, combined with the Committee's recommendation will provide a total of \$168,200,000 in subsidy appropriations for the 7(a) program, leveraging a program volume of \$8,400,000,000. The Committee strongly encourages enactment of legislation which would allow the lower subsidy rate in order to provide a sufficient program level of general business loans in fiscal year 1997.

504 Development Company loans.—The Committee recommendation provides no new budget authority for the section 504 development company loan program, as requested. This amount, assumes that legislative proposals to bring the subsidy rate to zero for this program will be enacted into law.

Small Business Investment Corporation (SBIC) debenture and participating securities.—The Committee recommendation includes a total of \$16,459,000. This amount provides \$5,475,000 in subsidies for SBIC debenture guarantees, a decrease of \$2,725,000 below the request, and \$10,925,000 below the current level. In addition, the recommendation assumes \$10,985,000 for SBIC participating securities loans, a \$2,515,000 decrease from the request, and a \$13,115,000 decrease from the current level. Funding recommendations for both programs assume enactment of legislative changes proposed in the budget request and currently under consideration in the authorization committee. Upon enactment of these legislative changes, the Committee's recommendations result in the following program levels: \$150,000,000 for the SBIC debenture program, a 41% increase over the current level; and \$325,000,000 for the SBIC participating securities loans program, a 21% increase over the current level.

Microloan Guaranty Program.—The recommendation includes \$1,216,000 in subsidy amounts for the guaranteed loans under the Microloan program. This will result in a program level of \$14,425,000. The Committee supports the transition of Microloans from a direct loan program to a guarantee program.

DISASTER LOANS PROGRAM ACCOUNT

The Committee recommends \$105,432,000 for the Disaster Loans Program Account for loan subsidies and an additional \$100,578,000 for administrative expenses related to this account. The amount provided for administrative expenses may be transferred to and merged with the appropriation for SBA salaries and expenses and the Office of Inspector General to cover the common overhead expenses associated with disaster loans.

The amount provided for loan subsidies is \$39,632,000 above the request, and the amount provided for administrative expenses is \$22,578,000 above the request. Both amounts are equal to the funding levels provided in fiscal year 1996 through a combination of regular and emergency supplemental appropriations. The Committee has taken this action to ensure that sufficient subsidy amounts and administrative expenses are available to sustain a program level equal to the demand experienced in fiscal year 1996.

As required by the Federal Credit Reform Act of 1990, the Congress is required to appropriate an amount sufficient to cover the subsidy costs associated with all direct loan obligations and loan guarantee commitments made in fiscal year 1996, as well as the administrative expenses of the loan programs. The subsidy amounts are measured on a net present value basis, and the administrative expenses are estimated on a cash basis.

The Committee recommends no funding for the disaster loan emergency contingency fund, the budget requested \$100,000,000, and no funding was provided in fiscal year 1996, and sufficient funding to maintain the current program level is provided in direct appropriations under this heading.

SURETY BOND GUARANTEES REVOLVING FUND

The accompanying bill provides an appropriation of \$3,730,000 for additional capital for the Surety Bond Guarantees Revolving Fund. This amount is equal to the budget request, and represents an increase of \$1,200,000 above the amount provided for fiscal year 1996. The recommendation will result in a program level of \$1,767,000,000.

Under the Surety Bond Guarantees program, the Small Business Administration guarantees a portion of the losses sustained by a surety company as a result of the issuance of a bid, payment, and/or performance bond to a small business concern.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The Committee recommends no appropriation for the State Justice Institute (SJI) for fiscal year 1997, recognizing that funding is available from carryover balances and other grants to support this program. SJI requested \$13,550,000. However, the Administration proposed \$5,000,000 for SJI in fiscal year 1997, citing a new program under the Office of Justice Programs (OJP) which could continue these grants, if warranted. The amount provided in the current fiscal year is \$5,000,000.

The mission of SJI is to award grants to improve the administration of justice in the State courts. The Committee notes that OJP has agreed in principle to provide SJI \$3 million in fiscal year 1997. The budget reflects \$6 million in carryover available in fiscal year 1997. The Committee expects that OJP grant funds added to the carryover balance will provide sufficient funding for SJI to continue operations.

TITLE VI—GENERAL PROVISIONS

The Committee recommends the following general provisions for the departments and agencies funded in the accompanying bill, which have been included in previous appropriations Acts.

Section 601 prohibits any appropriation contained in the Act from being used for publicity or propaganda purposes not authorized by the Congress.

Section 602 prohibits any appropriation contained in the Act from remaining available for obligation beyond the current fiscal year unless explicitly provided.

Section 603 provides that the expenditure for any appropriation contained in the Act for any consulting service through procurement contracts 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.

Section 604 provides that if any provision of the 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 such provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 605 provides for the Committee's policy concerning the reprogramming of funds. Section 605(a) prohibits the 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 offices or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any function or activity presently performed by Federal employees unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance.

Section 605(b) prohibits 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 due to 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 15 days in advance.

The Committee has again included carryover funds under the requirements of section 605 to clarify that agencies must follow reprogramming procedures with respect to carryover funds.

Section 606 prohibits funds in the Act from being used for construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside the United States.

Section 607 states the sense of the Congress that all equipment and products purchased with funds made available in the bill should be American-made, and directs the head of each Federal agency to provide a notice describing Congressional intent to any

entity it provides financial assistance to or enters into a contract with.

Section 608 prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October, 1993.

Section 609 prohibits the use of funds to pay for expansion of diplomatic or consular operations in Vietnam beyond the level of operations on July 11, 1995, unless the President certifies within 60 days that Vietnam is cooperating in full faith with the U.S. on POW/MIA issues.

Section 610 prohibits the use of funds for any United Nations peacekeeping mission when it is made known that United States Armed Forces are under the command or operational control of a foreign national and the President has not submitted to the Congress a recommendation that such involvement is in the national security interest of the U.S.

Section 611 prohibits the use of funds to provide certain amenities and personal comforts in the Federal prison system.

Section 612 prohibits the use of funds under the NOAA Fleet Modernization, Shipbuilding and Conversion account to implement sections 603, 604, and 605 of Public Law 102-567.

Section 613 prohibits the use of funds for the USIA Television Marti Program when it is made known that such use would be inconsistent with the applicable provisions of the March 1995 Office of Cuba Broadcasting Reinventing Plan of the United States Information Agency.

Section 614 provides that any closing or downsizing costs incurred by a Department or agency funded under this Act resulting from funding reductions in the Act shall be absorbed within the budgetary resources available to the Department or agency, and provides transfer authority between appropriation accounts to carry out the provision, subject to reprogramming procedures.

CHANGES IN THE APPLICATION OF EXISTING LAW

Pursuant to Clause 3, rule XXI of the House of Representatives, the following statement is submitted describing the effect of provisions in the accompanying bill which directly or indirectly change the application of existing law.

Language is included for a number of accounts which places limitations on representation and reception allowances in order to reduce the amount of money that could otherwise be spent on these activities.

The bill also provides that a number of appropriations shall remain available for obligation beyond the current fiscal year. While these provisions are not specifically authorized for all of the items, it is deemed desirable to include such language for certain programs in order to provide for orderly administration and the effective use of funds.

On page 2, under Department of Justice, General Administration, Salaries and Expenses, a limitation of \$3,317,000 is provided for the Facilities Program 2000 and limitations of \$7,477,000 for the Department Leadership program and \$8,987,000 for the Execu-

tive Support program are included. In addition, language is included that prohibits the Offices of Legislative Affairs, Public Affairs and Policy Development from being augmented with reimbursable and non-reimbursable details.

On page 3, under Counterterrorism Fund, funding of \$9,450,000 is provided under the control and direction of the Attorney General to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities. Language is provided that makes these funds available only after the Attorney General notifies the Committees on Appropriations of the House and Senate in accordance with the reprogramming requirements included in section 605 of the accompanying bill.

On page 4, under Office of Inspector General, a limitation of \$10,000 is provided to meet unforeseen emergencies of a confidential nature. Language is also included which makes the appropriation available for the acquisition, lease, maintenance, and operation of motor vehicles without regard to the general purchase price limitation.

On pages 4 and 5, under Legal Activities, Salaries and Expenses, General Legal Activities, a limitation of \$20,000 is provided for expenses of collecting evidence. Language is also included to permit the lease of private or government-owned space in the District of Columbia. In addition, a limitation of \$10,000,000 is provided for litigation support contracts to remain available until expended and a limitation of \$17,525,000, to remain available until expended, is provided for office automation systems. Further, language is included that provides a limitation of \$1,000 to the United States National Central Bureau (INTERPOL) for official reception and representation expenses and allows the acceptance of gifts for the purpose of hosting the INTERPOL regional conference in 1997. In addition, language is included which permits up to \$4,028,000 to be appropriated from the Vaccine Injury Compensation Trust Fund for processing cases under the National Childhood Vaccine Injury Act of 1986.

On page 6, under Antitrust Division, Salaries and Expenses, language is included to allow \$58,905,000 to be credited to this appropriation from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act. Further, language provides that the appropriation shall be reduced by such offsetting collections that are received during fiscal year 1997 so as to result in a final year 1997 appropriation estimated at not more than \$17,542,000. Further, language is included that any fees received in excess of \$58,905,000 in fiscal year 1997 shall remain available until expended, but shall not be available for obligation until fiscal year 1998.

On pages 7 and 8, under United States Attorneys, Salaries and Expenses, language is included providing a limitation of \$2,500,000

to be available until September 30, 1998, for the purposes of: (1) providing debt collection training; (2) providing services relating to locating debtors and their property; (3) paying the costs of sales of property not covered by sale proceeds; and (4) paying the costs of processing and tracking debts owed to the United States Government. Language is also included providing a limitation of \$8,000 for official reception and representation expenses, and up to \$10,000,000 for automated litigation support contracts to be available until expended. In addition, language is included that provides the level of positions and workyears for the U.S. Attorneys.

On pages 8 and 9, under United States Trustee System Fund, language is included that makes deposits to the Fund available to pay refunds due depositors. In addition, language is included which provides that not to exceed \$107,950,000 of offsetting collections derived from fees collected shall be retained and used for necessary expenses in this appropriation. In addition, the language provides that the \$107,950,000 appropriated shall be reduced as such offsetting collections are received during fiscal year 1997 so as to result in a final fiscal year 1997 appropriation estimated at not more than \$0. In addition, language is included which provides that any of the aforementioned fees collected in excess of \$107,950,000 in fiscal year 1997 shall remain available until expended, but shall not be available for obligation until October 1, 1997.

On pages 9 and 10, under United States Marshals Service, language is included which makes funds available to procure, maintain and operate vehicles and aircraft, and which permits purchase of vehicles without regard to the general purchase price limitation. Language is also included which allows up to \$6,000 to be available for official reception and representation expenses, and up to \$4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and \$2,200,000 for the Justice Prisoner and Alien Transportation System to be available until expended. In addition, language is included which allows the U.S. Marshals Service to earn reimbursement for the maintenance and transport of State, local and territorial prisoners by the Justice Prisoner and Alien Transportation System.

On pages 10 and 11, under Federal Prisoner Detention, language is included stating that the appropriation is not available for expenses otherwise provided for in appropriations available to the Attorney General. In addition, language is included which makes funding under this account no longer available for the Cooperative Agreement Program.

On page 11, under Fees and Expenses of Witnesses, language is included which makes funds available for expert witnesses, private counsel and per diem. Language is also provided making not to exceed \$4,750,000 available for planning, construction, renovation, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto for protected witness safe sites. Also, language is included which makes not to exceed \$1,000,000 available for the purchase and maintenance of armored vehicles for transportation of protected witnesses, and up to \$4,000,000 for a secure automated network for protected witnesses.

On page 12, under Community Relations Service, language is included that permits the Attorney General to transfer amounts that may be necessary to meet emergent circumstances from other Department of Justice programs, subject to the reprogramming requirements under section 605 of the accompanying bill.

On page 13, under Payment of Radiation Exposure Compensation Trust Fund, language is included that provides \$13,736,000 for payment of claims under the Radiation Exposure Compensation Act but not available for obligation until September 30, 1997.

On page 13, under Interagency Law Enforcement, Interagency Crime and Drug Enforcement, language is provided which permits the appropriation to be used for intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking. Language is also included permitting \$50,000,000 to remain available until expended. In addition, language is provided that allows the appropriation to be used under authorities available to the organizations reimbursed from this appropriation. Finally, language is provided that permits unobligated balances remaining available at the end of the fiscal year to revert to the Attorney General for reallocation among participating organizations in the succeeding fiscal year, subject to the reprogramming procedures described in Section 605 of the accompanying bill.

On pages 14 and 15, under Federal Bureau of Investigation, several provisions are recommended, including language which permits the purchase of up to 2,706 passenger vehicles for police-type use, of which 1,945 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and which permits the procurement, maintenance and operation of aircraft. Language is also included to allow up to \$70,000 for unforeseen emergencies to be expended solely under the certificate of the Attorney General. Language is also included that provides not less than \$117,081,000 to be available for counterterrorism investigations, foreign counterintelligence, and other national security activities. In addition, language is provided which permits not to exceed \$50,000,000 for automated data processing, telecommunications, and technical equipment and \$1,000,000 for undercover operations to be available until September 30, 1998. In addition, language is recommended which permits \$98,400,000 to remain available until expended. Also, language is included under this item permitting not to exceed \$10,000,000 for contractual or reimbursement agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime and drug investigations. Also, language is included which provides that \$1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Identification Division and the automation of fingerprint identification services.

On page 16, language is provided, under the heading Construction, for the necessary expenses of the Federal Bureau of Investigation to remain available until expended, 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 the preliminary planning and design of projects.

On pages 16 and 17, under Drug Enforcement Administration, language is included to allow for up to \$70,000 for unforeseen emergencies to be expended solely under the certificate of the Attorney General. Language is also included to permit expenses for conducting drug education and training programs. Language is provided to permit the purchase of not to exceed 1,158 passenger motor vehicles of which 1,032 are for replacement only for police-type use without regard to the purchase price limitation for the current fiscal year. Language is also included to permit acquisition, lease, maintenance and operation of aircraft. In addition, a limitation of \$1,800,000 is included for research, and \$15,000,000 for transfer to the Diversion Control Fee Account is to remain available until expended. In addition, the following limitations are included: \$4,000,000 for purchase of evidence and payments for information; \$4,000,000 for contracting for ADP and telecommunications equipment; \$2,000,000 for laboratory equipment; \$2,000,000 for aircraft replacement retrofit and parts; and \$4,000,000 for technical equipment and will remain available until September 30, 1998. Finally, a limitation of \$50,000 is provided for official reception and representation expenses.

On page 18, under Drug Enforcement Administration, Violent Crime Reduction Programs, language is included that provides that \$71,000,000 of amounts available shall be derived by transfer from Community Oriented Policing Services, Violent Crime Reduction Programs, for the purpose of providing State and local police officers with equipment, conveyances, overtime and other expenses associated with their participation on drug task forces.

On pages 18 and 19, under Immigration and Naturalization Service, several provisions are recommended, including language to allow up to \$50,000 for unforeseen emergencies to be expended solely under the certificate of the Attorney General. Language is also included to permit the purchase of up to 2,691 passenger motor vehicles for police-type use of which 1,711 are for replacement only without regard to the general purchase price limitation for the current fiscal year and for the hire of passenger motor vehicles, and to permit the procurement, maintenance and operation of aircraft. In addition, language is included to permit research related to immigration enforcement and which makes \$400,000 for research available until expended. In addition, language is included which limits the amount available to pay any employee overtime pay in excess of \$30,000. Language is also included which makes available not to exceed \$10,000,000 for costs associated with the training program for basic officer training and \$5,000,000 for payments or advances arising out of contractual agreements with State and local law enforcement agencies. Language is also included to allow the purchase of uniforms without regard to the general purchase price limitation for the current fiscal year. Language is included that permits up to \$5,000 to be available for official reception and representation expenses. Language is also included that prohibits funds appropriated in this Act to be used to operate the Border Patrol traffic checkpoints located in San Clemente, California, and Temecula, California unless they are open and operated

on a continuous 24-hour basis. In addition, language is included that extends the Land Border Fee Pilot Project to September 30, 1999 for projects on the northern and southern borders and does not allow any pilot program to implement a universal border crossing toll.

On page 20, language is provided under the heading construction, for expenses of the Immigration and Naturalization Service for planning, constructing, renovating equipping and maintaining building and facilities for enforcement of immigration laws and allows funds to remain available until expended.

On pages 21 and 22, several items are recommended under Federal Prison System, Salaries and Expenses, including language to permit the purchase of not to exceed 836 law enforcement and passenger motor vehicles of which 572 are for replacement only, and the hire of law enforcement and passenger motor vehicles. Language is also included allowing for the provision of technical assistance and advice on corrections-related issues to foreign governments. In addition, language is included to permit the transfer to the Health Resources and Services Administration of such amounts as may be necessary for medical relief for inmates. Language is also included that permits the Director of the Federal Prison System to enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who furnish health services to inmates. Also, language is provided that uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year. In addition, a limitation of \$6,000 is provided for official reception and representation expenses. Language is included that not to exceed \$50,000,000 for the activation of new facilities shall remain available until September 30, 1998. In addition, language is included which allows for up to \$20,000,000 for contract confinement expenses for the care and security of Cuban and Haitian entrants to remain available until expended. Language is also included that allows the Federal Prison System to enter into contracts and other agreements with private entities for a multi-year period for the confinement of Federal prisoners and includes the National Institute of Corrections under this account, including balances from prior years.

On pages 23 and 24, several items are recommended under Buildings and Facilities, including language making the appropriation available for leasing the Oklahoma City Airport Trust Facility and for 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. In addition, language is included which makes not to exceed \$14,074,000 available to construct areas for inmate work programs and permits labor of United States prisoners to be used for work performed under this appropriation. Further, language is included that permits up to 10 percent of the funds appropriated to this account in the accompanying bill or any other Act to be transferred to the Salaries and Expenses account of the Federal Prison System upon notification by the Attorney General to the House and Senate Appropriations Committees. Finally, language is included, which makes up to \$36,570,000 available for renovation and construction of United States Marshals Service prisoner holding facilities.

On page 24, under Federal Prison Industries, Incorporated, language is included permitting the Federal Prison Industries, Incorporated, 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. Language is also included permitting the purchase of not to exceed five passenger motor vehicles, for replacement only, and hire of passenger motor vehicles.

On pages 24 and 25, under Limitation on Administrative Expenses, Federal Prison Industries, Incorporated, language is included permitting the funds for 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. The language further provides that 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.

On pages 26 through 31, under Violent Crime Reduction Programs, State and Local Law Enforcement Assistance, language is provided that makes \$571,000,000 available for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995 and allows Puerto Rico to be considered a "unit of local government" as well as a "State" and allows funds to be used for certain purposes set forth in H.R. 728 and to defray the costs of indemnification insurance for law enforcement officers, and for drug courts subject to the reprogramming requirements set forth in section 605 of the Act. In addition, language is provided that makes funds available under formula grants from the Edward Byrne Memorial Grant Program for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and to implement drug testing initiatives. Language is also provided that allows outstanding balances from prior years of programs appropriated under this account, to be merged with this account in order to simplify administration of these grants. In addition, language is included that requires a net gain in the number of law enforcement officers performing nonadministrative duties if funds are used by local governments to increase the number of law enforcement officers.

On pages 31 through 33, language is included under Community Oriented Policing Services, Violent Crime Reduction Programs, which allows \$10,000,000 of funds provided to be available for Police Corps and \$71,000,000 to be transferred to the Drug Enforcement Administration for the purpose of providing State and local police officers with equipment, conveyances, overtime and other expenses associated with drug task forces. In addition, language is included that makes \$30,500,000 of funds provided to be available for

additional grants authorized by part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, for the purpose of providing additional formula grants for innovative law enforcement and community policing programs, to States that provide assurances that the State has in effect (or will have in effect not later than one year after date of application) policies that ensure that juveniles who commit an act after attaining 14 years of age, that would be a serious violent crime if committed by an adult, are treated as adults for purpose of prosecution. A limitation of \$14,602,000 is also included for management and administration.

On pages 30 and 31, under Weed and Seed Program Fund, language is included which provides \$28,500,000 of the amounts for this program to be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs. In addition, language is provided which makes the amounts available 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 upon notification by the Attorney General to the House and Senate Appropriations Committees.

On pages 33 and 34, under Juvenile Justice Programs, language is included that allows funding provided to be subject to provisions of any reauthorization of the Juvenile Justice and Delinquency Act of 1974.

On page 35, under General Provisions—Department of Justice, section 101 provides a limitation of \$45,000 from funds appropriated to the Department of Justice for official reception and representation expenses.

On page 35, under section 102, language is provided that maintains authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, fiscal year 1980" until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

On page 35, under section 103, language is included which prohibits funds appropriated for the Department of Justice to pay for an abortion, except when the life of the mother would be endangered if the fetus were carried to term, or in the case of rape. The language also provides that should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

On page 35, under section 104, language is included which prohibits funds appropriated for the Department of Justice to require any person to perform or facilitate in any way the performance of any abortion.

On page 35, under section 105, language is included which allows the Director of the Federal Bureau of Prisons to provide necessary escort services for female inmates who request abortion services outside a Federal prison facility.

On page 36, under section 106, language is included which would permit up to \$10,000,000 of funds appropriated to the Department of Justice to be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property at levels not to exceed \$2,000,000.

On page 36, under section 107, language is provided that permits up to 5 percent of any appropriation made available for the current fiscal year for the Justice Department, including those derived from the Violent Crime Reduction Trust Fund, to be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfer. Further, the language provides that any transfer made pursuant to this section shall be treated as a reprogramming of funds under section 605 of the accompanying bill.

On page 37, under section 108, language is included which allows the excess unobligated balances remaining in the Department of Justice Assets Forfeiture Fund on September 30, 1996 to be available to the Attorney General, without fiscal year limitation, for any Federal law enforcement, litigative/prosecutive, and correctional activities, or any other authorized purpose of the Department of Justice, subject to notification by the Attorney General to the Appropriations Committees of the House and Senate.

On pages 37 through 40, under section 109, language is included that restructures the quarterly fee payments for debtors under Chapter 11 of the Bankruptcy Code and that allows all fees collected from Chapter 7, 11 and 13 filings to be used as offsetting collections to the U.S. Trustees program.

On pages 40 through 43, under section 110, language is included that establishes the Telecommunications Carrier Compliance Fund for payments to telecommunications carriers and equipment manufacturers to implement technology changes required under the Communications Assistance for Law Enforcement Act.

On page 43 under the Office of the United States Trade Representative, language is included which permits \$2,500,000 of the appropriation to remain available until expended. Language is also included providing a limitation of \$98,000 for official reception and representation expenses.

On page 44, under the International Trade Commission, language is included recommending a ceiling of \$2,500 for official reception and representation expenses. In addition, language is included which makes funding available until expended.

On pages 44 and 45, under International Trade Administration, "Operations and Administration", language is provided which permits the appropriation to be used for trade promotion activities abroad without regard to the provisions of 44 U.S.C. 3702 and 3703, including expenses of grants and cooperative agreements for the purpose of promoting exports of U.S. firms. The language also permits the appropriation to be used for full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas, as well as for 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.

Language is included under this heading which permits 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. In addition, language is included which permits purchase or construction of temporary demountable exhibition structures for use abroad, and 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. In addition, language is included which permits not to exceed \$327,000 for official representation expenses abroad and purchase of passenger motor vehicles for official use abroad at not to exceed \$30,000 per vehicle. In addition, language is included which permits the purchase of insurance on official motor vehicles and the renting of tielines and teletype equipment. Also, language is included which provides that the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912, and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

On pages 45 and 46, under Export Administration, "Operations and Administration", language is provided which permits the appropriation to be used for costs associated with the performance of Export Administration field activities both domestically and abroad. Language is also included to provide for 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. Also, language is included to permit 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. In addition, the bill provides that not to exceed \$15,000 may be used for official representation expenses abroad. Language is included to permit award of compensation to informers under the Export Administration Act of 1979 and as authorized by 22 U.S.C. 401(b) and 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. Language is also included which provides 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 shall apply in carrying out these activities. Finally, language is included allowing payments and contributions collected and accepted for materials and services related to export administration, and for providing information to the public regarding export administration, national security activities, and export control programs of the Department of Commerce, the U.S. government and other governments, may be retained for use in covering the cost of such activities.

On pages 46 through 47, under Economic Development Administration, "Economic Development Assistance Programs", language is

included which allows the Secretary of Commerce to provide financial assistance for projects located on military installations closed or scheduled for closure without it being required that the grantee have title to the property or the ability to obtain a lease for the property, when such assistance is necessary for the economic development of the area. Language is also included to allow the Secretary of Commerce to consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure.

On page 48, under Minority Business Development Agency, language is included to permit the funds to be used for fostering, promoting, and developing minority business enterprise including expenses of grants, contracts, and other agreements with public or private organizations. Language is also included providing that \$3,000,000 shall be used only for projects jointly developed, implemented, and administered with the Small Business Administration.

On page 49, under Economic and Statistical Analysis, language is included permitting the appropriation to remain available until September 30, 1998.

On page 49, under Economics and Statistics Administration Revolving Fund, language is included authorizing the Secretary of Commerce to disseminate economic and statistical data products and to charge fees necessary to recover the full costs incurred in the production of economic and statistical data products. The language also allows fees received from data dissemination activities to be credited to this account and available for carrying out these purposes without further appropriation.

On pages 50 and 51, under National Telecommunications and Information Administration, "Salaries and Expenses", language is included providing that NTIA shall charge other Federal agencies for costs incurred for spectrum management, analysis operations and related services to offset the costs of such services, and such collections may remain available until expended. In addition, language is included which will allow NTIA to retain and use funds transferred from other Federal agencies for research purposes beyond the fiscal year for which the funds were initially appropriated.

On page 51, under the National Telecommunications and Information Administration, "Public Broadcasting Facilities, Planning and Construction", language is included that provides that notwithstanding section 391 of the Communications Act of 1934, as amended, 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.

On page 51 of the bill under "Information Infrastructure Grants", language is included which provides that notwithstanding the requirements of sections 392(a) and 392(c) of the Communications Act of 1934, the appropriation may be used for the planning and construction of telecommunications networks. Language is also included which allows up to five percent of the funds appropriated to be available for telecommunications research activities.

On page 52, under Patent and Trademark Office, language is included which permits necessary expenses for the defense of suits instituted against the Commissioner of Patents and Trademarks. Language is also included which provides that the amounts made

available from the Patent and Trademark Office Fee Surcharge Fund shall not exceed amounts deposited and shall remain available until expended.

On page 52, under Science and Technology, National Institute of Standards and Technology, "Scientific and Technical Research and Services", language is recommended which would permit not to exceed \$1,625,000 to be transferred to the "Working Capital Fund".

On page 53 of the bill under "Industrial Technology Services", language is provided that makes the appropriation available for expenses of the Manufacturing Extension Partnership Program of the National Institute of Standards and Technology. In addition, language is included which permits not to exceed \$300,000 of the appropriation to be transferred to the "Working Capital Fund". Language is also included that permits funding for the Advanced Technology Program of the National Institute of Standards and Technology, and allows up to \$500,000 of this appropriation to be transferred to the "Working Capital Fund". Finally, language is included prohibiting funds in this Act to be used to carry out additional program competitions under the Advanced Technology Program, and providing that any carryover of prior year balances in the ATP program be used only for continuation grants.

On pages 53 through 55, under National Oceanic and Atmospheric Administration, "Operations, Research, and Facilities", the bill provides for the expenses of not to exceed 200 active commissioned officers as of April 1, 1997, and no commissioned officers as of September 30, 1997. In addition, language is included to permit construction of facilities including initial equipment, and alteration, modernization, and relocation of facilities. Language is also included which allows for the collection of additional fees to recover costs of administering aeronautical chart programs, and provides that the funds appropriated from the General Fund shall be reduced as such additional fees are received during fiscal year 1997. The language also provides that fees received in excess of \$3,000,000 in fiscal year 1997 shall not be available for obligation until October 1, 1997. Also, language is recommended which transfers \$66,000,000 from the fund entitled, "Promote and Develop Fishery Products and Research Pertaining to American Fisheries". Language is included allowing NOAA to retain gifts and contributions under the Marine Sanctuary Program. Language is included specifying the direct obligation amounts under this heading for the National Ocean Service, the National Marine Fisheries Service, Oceanic and Atmospheric Research, the National Weather Service, the National Environmental Satellite, Data, and Information Service, and Program Support. Finally, language is included providing that grants made under sections 306 and 306(A) of the Coastal Zone Management Act, as amended, shall not exceed \$2,000,000.

On page 55, under "Coastal Zone Management Fund", language is included allowing funds made available under this heading to be used to carry out purposes set forth in 16 U.S.C. 1456a(b)(2)(A), 16 U.S.C. 1456a(b)(2)(B)(v), and 16 U.S.C. 1461(c). This expands the purposes for which these funds can be used to include CZM development grants and Estuarine Research Reserves.

On page 57, under "Fishing Vessel Obligations Guarantees", language is included prohibiting funds made available under this

heading from being used to guarantee loans for new fishing vessels which would increase the harvesting capacity in a U.S. fishery.

On page 58, under General Administration, Salaries and Expenses, language is included limiting the amount for official entertainment to \$3,000.

On pages 58 through 64, under General Provisions—Department of Commerce, the following general provisions that fall within the rule are recommended:

Section 201 provides that 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 to the extent and in the manner prescribed by said Act, and notwithstanding 31 U.S.C. 3324 may be used for advanced payments not otherwise authorized, only upon the certification of officials designated by the Secretary that such payments are in the public interest.

Section 203 prohibits any of the funds made available by this Act to 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.

Section 204 prohibits any of the funds in this, any previous Act or hereinafter to be available to reimburse the Unemployment Trust Fund or any fund or account of the Treasury to pay for any expenses paid before October 1, 1992 as authorized by section 8051 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.

Section 205 provides that up to 5 percent of any appropriation made available for the Department of Commerce in the Act may be transferred between such appropriations. The language also provides that any transfer made under this section shall be treated as a reprogramming of funds under section 605 of the accompanying bill and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Section 206 requires that should legislation be enacted to reorganize or dismantle the Commerce Department, the Committees on Appropriations shall be notified of a plan to implement such legislation within 90 days of enactment. Language is also included allowing the implementation costs to be covered from funds available to the Department.

Section 207 requires any downsizing costs to be absorbed.

Section 208 prohibits any funds made available in this or any other Act from being used to develop and implement new fishery management plans, amendments or regulations creating new individual fishing quotas, transferable quotas, or effort allocation programs until offsetting fees are authorized.

Section 209 allows the National Ocean Service to award contracts for mapping and surveying work in accordance with the Federal Property and Administrative Services Act.

Section 210 permanently establishes a Working Capital Fund in the Bureau of the Census to be available without fiscal year limitation for expenses and equipment for activities the Director of the Bureau determines are better performed centralized.

On page 64, under the Judiciary, Supreme Court of the United States, "Salaries and Expenses", language is included permitting not to exceed \$10,000 to be used for the purpose of transporting Associate Justices. In addition, a limitation of \$10,000 is recommended for official reception and representation expenses, and for miscellaneous expenses approved by the Chief Justice.

On page 64, under Care of the Building and Grounds appropriation for the Supreme Court, language is included providing that \$260,000 remain available until expended.

On page 65, under U.S. Court of Appeals for the Federal Circuit, "Salaries and Expenses", and under U.S. Court of International Trade, "Salaries and Expenses", language is included which allows funds to be spent for necessary expenses of these courts.

On pages 65 and 66, under Courts of Appeals, District Courts, and Other Judicial Services, "Salaries and Expenses", language is recommended which allows funds to be spent for necessary expenses of the courts, and which permits the purchase of firearms and ammunition. In addition, language is included providing that \$13,454,000 for space alteration projects remain available until expended. In addition, language is included permitting \$500,000 to remain available until expended for acquisition of books, periodicals and newspapers. In addition, language is included permitting not to exceed \$10,000,000 to remain available until expended for furniture and furnishings related to new space and alteration projects. In addition, language is included which permits up to \$2,390,000 to be appropriated from the Vaccine Injury Compensation Trust Fund for expenses of the Claims Court associated with processing cases under the National Childhood Vaccine Injury Act of 1986.

On page 66, under Violent Crime Reduction Programs, language is included making \$30,000,000, to remain available until expended, for activities of the Federal Judiciary authorized by law, to be derived from the Violent Crime Reduction Trust Fund as authorized by section 190001(a) of Public Law 103-322.

On pages 66 and 67, under Defender Services, language is included permitting the use of funds for compensation of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel. In addition, language is included permitting the use of funds for compensation of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers to foreign countries. Language is also included permitting the use of funds for compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment.

On page 67, under Fees of Jurors and Commissioners, language is included which provides that compensation of land commissioners shall not exceed that of the highest rate payable under 5 U.S.C. 5332.

On page 68, under Court Security, language is included which provides that funds in this account shall be expended by the U.S. Marshals Service consistent with standards or guidelines agreed to by the Administrative Office of the U.S. Courts and the Attorney General.

On pages 68 and 69, under Administrative Office of the United States Court, "Salaries and Expenses", language is included allowing expenses for advertising and rent in the District of Columbia and elsewhere. In addition, language is included permitting up to \$7,500 for official reception and representation expenses.

On page 69, under Federal Judicial Center, "Salaries and Expenses", language is included permitting up to \$1,000 for official reception and representation expenses as well as language permitting \$1,800,000 to remain available through September 30, 1998.

On page 69, under United States Sentencing Commission, language is included permitting up to \$1,000 for official reception and representation expenses.

On page 70, under General Provisions—The Judiciary, section 302 permits use of funds in the bill for expenses of the Special Court established under the Regional Rail Reorganization Act of 1973.

On page 70, section 303 permits up to 5 percent of any appropriation made in the Act for the Judiciary to be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfer. The language also provides that any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of the accompanying bill and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

On page 70, under section 304, language is recommended that provides that 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. The language further provides 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.

On page 71, under section 305, language is included to extend the authorization for the Judiciary's Automation Fund from 1997 to 1998.

On pages 71 through 74, under Department of State, Administration of Foreign Affairs, "Diplomatic and Consular Programs", language is included which permits 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" to be transferred between such accounts in accordance with reprogramming procedures specified in section 605 of the Act. Language is also included which permits the use of the appropriation for representation expenses to certain international organizations in which the United States participates pursuant to treaties or specific acts of Congress. Language is also included limiting availability of funding for the Diplomatic Telecommunications Service. Language is also included requiring a cost allocation system to be in place in fiscal year 1998. Language is also included allowing collection of fees which are to be deposited as offsetting collections.

On page 74, under "Capital Investment Fund," language is included removing a reprogramming requirement.

On pages 74 and 75, under Office of Inspector General (IG), language is included merging the IG Offices of the State Department and the USIA, and exempting the IG from periodic postinspection requirements.

On page 75, under Protection of Foreign Missions and Officials, language is included permitting the appropriation to remain available until September 30, 1998.

On pages 75 and 76, under Security and Maintenance of United States Missions, language is included which prohibits the appropriation from being used for acquisition of furniture and furnishings and generators for other departments and agencies.

On page 76, under Emergencies in the Diplomatic and Consular Service, language is included which permits up to \$1,000,000 to be transferred to the Repatriation Loans Program account.

On pages 76 and 77, under the Repatriation Loans Program account, language is included which permits the transfer of \$663,000 for administrative expenses to the Salaries and Expenses account.

On pages 77 through 79, under Contributions to International Organizations, language is included withholding funds until a certification under section 401(b) of Public Law 103-236 for fiscal year 1997 is made. In addition, language is included which prohibits the use of United States Contributions to International Organizations for payment of the United States' share of interest costs made known to the United States Government for external borrowings by such organizations incurred on or after October 1, 1984. Language is included that provides that payment of arrearages shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization. Language is also included withholding \$80,000,000 unless a certification is made regarding the United Nations budget. Language is also included permitting a transfer of up to \$10,000,000 to the International Conferences and Contingencies account.

On pages 79 through 81, under Contributions for International Peacekeeping Activities, language is included prohibiting use of funds for new or expanded missions unless the Committee is notified 15 days in advance and a reprogramming is submitted. Language is also included making funds available only upon a certification by the Secretary of State that American manufacturers are being given equal opportunities. Language is also included providing an amount for payment of arrearages upon certification that certain conditions have been met.

On page 81, under International Boundary and Water Commission, United States and Mexico, language is included limiting representation expenses to \$6,000.

On pages 81 and 82, under American Sections, International Commissions, language is included limiting representation expenses to \$9,000.

On page 82, under International Fisheries Commissions, language is included that provides that the United States' share of the expenses of the International Fisheries Commission may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

On page 82, under Arms Control and Disarmament Agency, language is included which provides that not to exceed \$50,000 is available for official reception and representation expenses.

On pages 83 and 84, under “Salaries and Expenses” United States Information Agency, language is included which permits up to \$700,000 to carry out certain activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis. Language is also included permitting fees for student advising and counseling to be credited to the account. Language is included that provides a limitation of \$1,100,000 to remain available until expended to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

On page 84, under Technology Fund, language is included making funding available until expended.

On pages 85 and 86, under the Eisenhower Exchange Fellowship Trust Fund, and the Israeli Arab Scholarship Program, language is included which makes available all interest and earnings accruing to each fund on or before September 30, 1996.

On page 85, under Eisenhower Exchange Fellowship Program Trust Fund, language is included which prohibits any of the funds appropriated to pay any salary or other compensation or to enter into any contract 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 and A-122, including the restrictions on compensation for personal services.

On pages 86 and 87, under International Broadcasting Operations, language is included allowing funds provided for broadcasting to Cuba to be used for facilities and equipment. Language is also included permitting not to exceed \$1,000,000 for receipts, including advertising, to be available until expended.

On page 87, under National Endowment for Democracy, funds are permitted to remain available until expended.

On page 88, under General Provisions—Department of State, section 402 provides that up to 5 percent of any appropriation made available in the Act for the Department of State and USIA may be transferred between the appropriations within each respective agency, but no such appropriation shall be increased by more than 10 percent or decreased by more than 5 percent by any such transfer. The language further provides that any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of the accompanying bill and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

On page 89, section 403 provides that funds hereafter made available under this or any other act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

On page 89, section 404 waives statutory authorization requirements.

On page 89, section 405 requires any downsizing costs to be absorbed.

On page 90, section 406 prohibits use of funds in this or any other Act to support negotiations or to implement agreements to the Anti-Ballistic Missile Treaty of 1972 reached after January 1,

1996 unless the President certifies that such agreements will be submitted to the Senate for its advice and consent.

On page 91, under Department of Transportation, the Maritime Administration, Operations and Training, language is included that permits reimbursements to be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program.

On pages 90 and 91, funding for several Maritime Administration accounts is made available until expended.

On page 92, under Administrative Provision—Maritime Administration, language is provided that 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. In addition, the language provides that payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof. In addition, language is recommended that rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services or repairs, shall be paid into the Treasury as miscellaneous receipts. In addition, language is recommended that prohibits obligation from the construction funds established by the Merchant Marine Act of 1936, or any other obligation, in excess of the appropriations and limitations contained in this bill and all receipts which otherwise would be deposited to the credit of said fund shall be paid to the Treasury as miscellaneous receipts.

On pages 93 and 94, under Commission on Civil Rights, language is included which permits not to exceed \$50,000 to be used to employ consultants. In addition, language is included that prohibits funds appropriated in this paragraph from being used to employ in excess of four full-time individuals under schedule C of the Excepted Service. Finally, language is included that prohibits any of the appropriation from being used to reimburse commissioners for more than 75 billable days with the exception of the Chairperson who is permitted 125 billable days.

On pages 94 and 95, under Equal Employment Opportunity Commission, language is included permitting non-monetary awards to private citizens. In addition, a limitation of \$2,500 is included for official reception and representation expenses and a limitation of \$26,500,000 is included for payments to State and local agencies for services pursuant to title VII of the Civil Rights Act.

On pages 95 and 96, under the Federal Communications Commission, language is recommended setting a limitation of \$4,000 for official representation expenses. In addition, language is included providing up to \$600,000 for land and structures, and up to \$500,000 for improvement and care of grounds and repair to buildings. Also, language is provided permitting the purchase of up to sixteen motor vehicles and authorizing the use of funds for special counsel fees. Language is also included permitting not to exceed \$300,000 of the appropriation to remain available until September 30, 1998 for research and policy studies. Language is included

making offsetting fee collections in excess of \$126,400,000 available until expended, but not available until October 1, 1997.

On page 96, language is included prohibiting the Federal Communications Commission from using any funds in this Act to deny or delay action on a broadcast license, license agreement, transfer, or renewal for a religious or religiously-affiliated entity on the basis that its recruitment or hiring practices are limited to persons of a particular religion or having religious knowledge. In addition, language is also included which provides that this prohibition shall not apply with respect to any appeal from a decision of any administrative law judge rendered on September 15, 1995.

On pages 97 and 98, under the Federal Trade Commission, language is provided establishing a ceiling of \$2,000 for official reception expenses. In addition, language is included which permits up to \$58,905,000 of offsetting collections derived from fees collected for pre-merger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 to be retained and used for necessary expenses in this appropriation. In addition, language is included which provides that the sum appropriated for the Federal Trade Commission shall be reduced as such offsetting collections are received during fiscal year 1997 so as to result in a final fiscal year appropriation estimated at not more than \$27,025,000. Language is included that provides that any fees received in excess of \$58,905,000 in fiscal year 1997 shall remain available until expended, but shall not be available for obligation until fiscal year 1998. In addition, language is provided that prohibits any of the funds made available to the Commission in this Act from being used for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991. Finally, language is included making funds appropriated from the General Fund of Treasury for the FTC available until expended.

On page 98, under the Legal Services Corporation, language is included which designates \$134,575,000 for basic field programs and required independent audits, \$1,125,000 for the Office of the Inspector General, and \$5,300,000 for management and administration.

On pages 98 through 102, under Administrative Provisions—Legal Services Corporation:

Section 501 requires that no funds may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with the criteria set forth in the section of the fiscal year 1996 Commerce, Justice appropriations bill. Language is again included overriding the presumptive refunding provisions of the Legal Services Corporation Act.

Section 502 prohibits funds from being expended for any purpose prohibited or limited by, or contrary to, any of the provisions in sections 501, 502, 505, 506 and 507 of the fiscal year 1996 bill.

Section 502 also prohibits funds from being expended for any purpose prohibited by or limited by, or contrary to, any of the provisions of section 504 of the fiscal year 1996 bill, with one exception to allow the use of non-federal funds to represent battered women and children in matters related to domestic violence, regardless of their eligibility for assistance. Section 502 also clarifies transition rules with respect to cases involving attorney's fees by making it

clear that those transition rules remain in effect as of the date of enactment of the fiscal year 1996 appropriations bill.

Section 503 makes applicable in fiscal year 1997 the requirements in the fiscal year 1996 bill relating to annual audits.

On pages 102 through 105 under the Securities and Exchange Commission, language is included allowing the use of funds for the rental of space, and establishing a ceiling of \$3,000 for official reception expenses. Also, language is included setting a limit of \$10,000 toward funding a permanent secretariat for the International Organization of Securities Commissions. In addition, language is included which permits up to \$100,000 to be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials to exchange views concerning developments relating to securities matters, to include necessary logistic and administrative expenses and the expenses of Commission staff and invitees. Language is also included increasing the rate of fees under section 6(b) of the Securities Act of 1933 from one-fiftieth of one percent to one thirty-third of one percent, and providing that such increase shall be deposited to this account as an offsetting collection. Language is also included setting a fee of one eight-hundredth of one percent on sales transacted otherwise than on a national securities exchange, payable twice annually, and providing that the increase shall be deposited in this account as an offsetting collection.

On page 105, under the Small Business Administration, "Salaries and Expenses," language is included limiting the amount for official reception and representation expenses to \$3,500. Language is also included designating the amounts available for SBA's non-credit programs, and further designates that \$3,000,000 of this amount is available only for projects jointly developed, implemented and administered with the Commerce Department's Minority Business Development Agency. In addition, language is included which permits the Administrator to charge fees to cover the cost of publications developed by the Small Business Administration and certain loan servicing activities. Further the language provides 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 appropriation.

On page 106, under the Business Loans Program Account, language is included allowing funds to be used for the cost of modifying loans. In addition, language is included which allows \$93,485,000 to be transferred to and merged with the appropriation for SBA, Salaries and Expenses.

On pages 106 and 107, under Disaster Loans Program Account, language is included to permit funds to be used for the cost of modifying loans. In addition, language is included which allows \$100,578,000 to be transferred to and merged with the appropriation for SBA, Salaries and Expenses and Office of Inspector General.

On page 107, under Administrative Provision—Small Business Administration, section 504 provides that up to 5 percent of any appropriation made available in the Act for the Small Business Administration may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent

by any such transfer. The language further provides that any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of the accompanying bill and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

On pages 108–114, General Provisions, the following sections are included which come under the rule:

Section 603 provides that 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.

Section 604 provides that 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.

Section 605(a) provides that none of the funds provided under this Act, under prior appropriations acts, 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 expenditures 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 employee; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committee of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

Section 605(b) provides that none of the funds provided under this Act, under prior appropriations acts, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency 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 due to a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committee of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

Section 606 prohibits any of the funds in this Act from being used for the construction, repair, overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

Section 607(b) includes language requiring that the head of each Federal agency provide a notice, describing that it is the sense of Congress that all equipment and products purchased with funds

made available under this Act be American-made, when providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act.

Section 608 includes language prohibiting funds made available in this Act from being used to implement, administer or enforce any guidelines of the Equal Employment Opportunity Commission covering religious harassment, when it is made known to the Federal entity or official to which the 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.

Section 609 prohibits funds from being expended for expansion of diplomatic presence in Vietnam unless certification is made relating to POW/MIA issues.

Section 610 prohibits use of funds for any United Nations peace-keeping mission if U.S. troops are under foreign command or control unless certain certifications are made.

Section 611 prohibits use of funds for certain prison amenities.

Section 612 prohibits use of NOAA fleet modernization funds to implement sections 603, 604, and 605 of P.L. 102-567.

Section 613 prohibits use of funds for TV Marti, when it is made known that use of those funds would be inconsistent with the March 1995 CUBA Broadcasting Reinventing Plan.

Section 614 requires that any downsizing costs of any agency in the Act be absorbed within the agency's budget.

APPROPRIATIONS, NOT AUTHORIZED BY LAW

Pursuant to clause 3 of rule XXI of the House of Representatives, the following table lists the appropriations in the accompanying bill which are not authorized by law in whole or in part. The Committee notes that authorization legislation for many of the programs listed below has either passed the House or is pending before the House or the committee of jurisdiction. In all cases, the Committee has endeavored to work closely with the committee of jurisdiction in developing the recommendations in this bill.

Department of Justice:

General Administration

Salaries and Expenses

Administrative Review and Appeals

Office of the Inspector General

United States Parole Commission

Legal Activities

Salaries and Expenses, General Legal Activities

Salaries and Expenses, Antitrust Division

Salaries and Expenses, United States Attorneys

Salaries and Expenses, Foreign Claims Settlement Commission

Fees and Expenses of Witnesses

Community Relations Service

Radiation Exposure Compensation, Administrative Expenses

Interagency Law Enforcement

Federal Bureau of Investigation

Salaries and Expenses

Construction

Drug Enforcement Administration
 Salaries and Expenses
 Immigration and Naturalization Service
 Salaries and Expenses
 Construction
 Federal Prison System
 Salaries and Expenses
 Building and Facilities
 Federal Prison Industries, Incorporated
 Limitation on Administrative Expenses, Federal Prison
 Industries, Incorporated
 Office of Justice Programs
 Justice Assistance
 State and Local Law Enforcement Assistance, Violent
 Crime Reduction Programs, Local Law Enforcement Block
 Grants
 Weed and Seed Program
 Juvenile Justice Programs
 Victims of Child Abuse
 Office of the United States Trade Representative
 International Trade Commission
 Department of Commerce:
 International Trade Administration, except Import Adminis-
 tration
 Export Administration
 Economic Development Administration, except Salaries and
 Expenses
 Minority Business Development Agency
 National Telecommunications and Information Administra-
 tion
 Salaries and Expenses
 Public Broadcasting Facilities, Planning and Construc-
 tion
 Information Infrastructure Grants
 Patent and Trademark Office
 National Institute of Standards and Technology
 Scientific and Technical Research and Services
 Industrial Technology Services
 National Oceanic and Atmospheric Administration
 Operations, Research and Facilities
 Construction
 Technology Administration
 Department of State:
 Diplomatic and Consular Services, except registration fees
 Salaries and Expenses
 Capital Investment Fund
 Office of Inspector General
 Representation Allowances
 Protection of Foreign Missions and Officials
 Security and Maintenance of United States Missions
 Emergencies in the Diplomatic and Consular Service
 Payment to the American Institute in Taiwan
 Contributions to International Organizations
 Contributions to International Peacekeeping Activities

International Boundary and Water Commission, United States and Mexico
 American Sections, International Commissions, except Border Environment Cooperation Commission
 International Fisheries Commissions
 Payment to the Asia Foundation
 Arms Control and Disarmament Agency
 United States Information Agency:
 Salaries and Expenses
 Technology Fund
 Educational and Cultural Exchange Programs
 International Broadcasting Operations
 Radio Construction
 National Endowment for Democracy
 Department of Transportation, Maritime Administration:
 Maritime Security Program
 Operations and Training
 Maritime Guaranteed Loan Program Account
 Commission on Civil Rights
 Federal Communications Commission, except offsetting fee collections
 Federal Maritime Commission
 Legal Services Corporation
 Securities and Exchange Commission

INFLATIONARY IMPACT STATEMENT

Clause 2(1)(4) of rule XI of the House of Representatives requires that each committee report accompanying a bill or resolution contain a statement as to whether enactment of the bill or resolution would have an inflationary impact on prices and costs in the operation of the national economy. In accordance with this requirement, it is the opinion of the Committee that enactment of this bill would not have an inflationary impact on prices and costs in the operation of the national economy.

The total amount recommended in the bill is \$29,512,712,000 in new budget authority for the departments, agencies and commissions considered by the Committee. Considering the diversity of the programs funded in this bill, the Committee has concluded that there is no inflationary impact on prices and costs in the operation of the national economy.

COMPARISON WITH BUDGET RESOLUTION

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), as amended, requires that the report accompanying a bill providing new budget authority contain a statement detailing how the authority compares with the reports submitted under section 602(b) of the Act for the most recently agreed to concurrent resolution on the budget for the fiscal year. This information follows:

[In millions of dollars]

	Section 602(b) allocation	Recommended in this bill
Budget authority:		
Mandatory	\$540	1 522
Discretionary	24,493	24,466
Violent Crime Reduction Trust Fund	4,525	4,525
Total budget authority	29,558	29,513
Outlays:		
Mandatory	529	515
Discretionary	24,939	24,926
Violent Crime Reduction Trust Fund	2,951	2,951
Total outlays	28,419	28,392

¹ Of the discretionary 602(b) allocation, \$235,000,000 in budget authority and \$209,000,000 in outlays were provided for national security (050) functions, for which the Subcommittee has recommended \$213,000,000 in budget authority, and \$197,000,000 in outlays.

The bill provides no new spending authority as described in section 401(c)(2) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), as amended.

FIVE-YEAR PROJECTION OF OUTLAYS

In accordance with section 308(a)(1)(C) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) as amended, the following tables contain five-year projections of the outlays associated with the budget authority provided in the accompanying bill:

FISCAL YEAR 1997 OUTLAYS

[In millions of dollars]

Budget authority	\$29,493
Outlays:	
1997	20,436
1998	4,908
1999	2,606
2000	1,379
2001 and future years	111

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(D) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), the new budget authority and outlays provided by the accompanying bill for financial assistance to State and local governments are as follows:

FY 1997 new budget authority	<i>Millions</i> \$2,747
FY 1997 outlays resulting therefrom	459

PROGRAMS, PROJECTS, AND ACTIVITIES

During fiscal year 1997, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, the following information provides the definition of the term "program, project, and activity" for departments and agencies under the jurisdiction of Commerce, Justice, and State, the Judiciary, and Related Agencies Subcommittees of the House and Senate.

The term “program, project, and activity” shall include the most specific level of budget terms identified in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1997, as passed the House and the House report accompanying said Act.

In implementing any Presidential order, departments and agencies shall apply the percentage reduction required for fiscal year 1997 pursuant to the provisions of Public Law 99-177 to each program, project, activity and subactivity specified in the budget justification documents submitted to the Committees on Appropriations of the House and Senate in support of the fiscal year 1997 budget estimates, as amended, for such departments and agencies, as modified by Congressional action. In addition, the departments and agencies, in implementing the Presidential order, shall apply the percentage reduction required for fiscal year 1997 to each grantee of such department or agency as applicable. In addition, the departments and agencies in implementing the Presidential order, shall not: (1) eliminate any program, project or activity; (2) reorder priorities or funds; or (3) initiate any program, project or activity that was not funded in the fiscal year 1997 Appropriations Act. However, for purposes of program execution, departments and agencies may propose reprogrammings between programs, projects and activities pursuant to the provisions of the Committee’s reprogramming procedures after they implement the reductions under the Balanced Budget Act.

COMPLIANCE WITH RULE XIII, CL. 3 (RAMSEYER RULE)

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

TITLE 28, UNITED STATES CODE

* * * * *

PART II—DEPARTMENT OF JUSTICE

* * * * *

CHAPTER 31—THE ATTORNEY GENERAL

* * * * *

§ 524. Availability of appropriations

(a) * * *

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(c)(1) * * *

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(8)(A) * * *

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(E) Subject to the notification procedures contained in section 605 of Public Law 103–121, and after satisfying the transfer requirement in subparagraph (B) of this paragraph, any excess unobligated balance remaining in the Fund on September 30, ~~1995~~1996 shall be available to the Attorney General, without fiscal year limitation, for any Federal law enforcement, litigative/prosecutive, and correctional activities, or any other authorized purpose of the Department of Justice. Any amounts provided pursuant to this subparagraph may be used under authorities available to the organization receiving the funds.

* * * * *

CHAPTER 39—UNITED STATES TRUSTEES

§ 589a. United States Trustee System Fund

(a) There is hereby established in the Treasury of the United States a special fund to be known as the “United States Trustee System Fund” hereinafter in this section referred to as the “Fund”. Monies in the Fund shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes in connection with the operations of United States trustees—

- (1) salaries and related employee benefits;
- (2) travel and transportation;
- (3) rental of space;
- (4) communication, utilities, and miscellaneous computer charges;
- (5) security investigations and audits;
- (6) supplies, books, and other materials for legal research;
- (7) furniture and equipment;
- (8) miscellaneous services, including those obtained by contract; and
- (9) printing.

(b) There shall be deposited in the Fund—

- (1) 23.08 per centum of the fees collected under section 1930(a)(1) of this title;
- (2) 37.5 per centum of the fees collected under section 1930(a)(3) of this title;
- (3) one-half of the fees collected under section 1930(a)(4) of this title;
- (4) one-half of the fees collected under section 1930(a)(5);
- (5) 60 per centum of the fees collected under section 1930(a)(6) of this title;
- (6) three-fourths of the fees collected under the last sentence of section 1930(a) of this title; and
- (7) the compensation of trustees received under section 330(d) of title 11 by the clerks of the bankruptcy courts.

(c)(1) Except as provided in paragraph (2), amounts in the Fund which are not currently needed for the purposes specified in subsection (a) shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(2) On November 1, 1989, and on November 1 of each year thereafter, the Secretary of the Treasury shall transfer into the

general fund of the Treasury the amount, if any, in the Fund that exceeds 110 percent of—

【(A) the amount appropriated for the entire current fiscal year for the purposes specified in subsection (a), or

【(B) if no appropriation has been made for the entire current fiscal year, the annual equivalent of the aggregate amount appropriated to date for the current fiscal year for the purposes specified in subsection (a).

【(d)(1) The Attorney General shall transmit to the Congress, not later than 120 days after the end of each fiscal year, a detailed report on the amounts deposited in the Fund and a description of the expenditures made under this section.

【(2) If for each fiscal year in any period of 2 successive fiscal years—

【(A) the aggregate amount deposited under subsection (b) in the Fund exceeds 110 percent of expenditures for the purposes specified in subsection (a), or

【(B) the costs incurred for the purposes specified in subsection (a) exceed the aggregate amount deposited under subsection (b) in the Fund,

then the Attorney General shall include in such report a recommendation regarding the manner in which the fees payable under section 1930(a) of title 28, United States Code, may be modified to cause the annual amount deposited in the Fund to more closely approximate the annual amount expended from the Fund.

【(e) There are authorized to be appropriated to the Fund for any fiscal year such sums as may be necessary to supplement amounts deposited under subsection (b) for the purposes specified in subsection (a).

【(f) For the purpose of recovering the cost of services of the United States Trustee System, there shall be deposited as offsetting collections to the appropriation “United States Trustee System Fund”, to remain available until expended, the following—

【(1) 12.5 per centum of the fees collected under section 1930(a)(3) of this title;

【(2) 40 per centum of the fees collected under section 1930(a)(6) of this title.】

§589a. United States Trustee System Fund

(a) There is hereby established in the Treasury of the United States a special fund to be known as the “United States Trustee System Fund” (hereinafter in this section referred to as the “Fund”). Monies in the Fund shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes in connection with the operations of United States trustees—

- (1) salaries and related employee benefits;*
- (2) travel and transportation;*
- (3) rental of space;*
- (4) communication, utilities, and miscellaneous computer charges;*
- (5) security investigations and audits;*
- (6) supplies, books, and other materials for legal research;*
- (7) furniture and equipment;*

(8) miscellaneous services, including those obtained by contract; and

(9) printing.

(b) For the purpose of recovering the cost of services of the United States Trustee System, there shall be deposited as offsetting collections to the appropriation “United States Trustee System Fund”, to remain available until expended, the following—

(1) 23.08 percent of the fees collected under section 1930(a)(1) of this title;

(2) one-half of the fees collected under section 1930(a)(3) of this title;

(3) one-half of the fees collected under section 1930(a)(4) of this title;

(4) one-half of the fees collected under section 1930(a)(5) of this title;

(5) 100 percent of the fees collected under section 1930(a)(6) of this title;

(6) three-fourths of the fees collected under the last sentence of section 1930(a) of this title;

(7) the compensation of trustees received under section 330(d) of title 11 by the clerks of the bankruptcy courts; and

(8) excess fees collected under section 586(e)(2) of this title.

(c) Amounts in the Fund which are not currently needed for the purposes specified in subsection (a) shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(d) The Attorney General shall transmit to the Congress, not later than 120 days after the end of each fiscal year, a detailed report on the amounts deposited in the Fund and a description of expenditures made under this section.

(e) There are authorized to be appropriated to the Fund for any fiscal year such sums as may be necessary to supplement amounts deposited under subsection (b) for the purposes specified in subsection (a).

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PART III—COURT OFFICERS AND EMPLOYEES

* * * * *

CHAPTER 41—ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

* * * * *

§ 612. Judiciary Automation Fund

(a) * * *

* * * * *

(1) TERMINATION OF AUTHORITY.—The fund and the Authorities conferred by this section, terminate on September 30, [1997] 1998. All unobligated amounts remaining in the Fund on that date shall be deposited into the fund established under section 1931 of this title to be used to reimburse other appropriations.

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PART V—PROCEDURE

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CHAPTER 123—FEES AND COSTS

§ 1930. Bankruptcy fees

(a) Notwithstanding section 1915 of this title, the parties commencing a case under title 11 shall pay to the clerk of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b) of this title, the following filing fees:

(1) * * *

* * * * *

(6) In addition to the filing fee paid to the clerk, a quarterly fee shall be paid to the United States trustee, for deposit in the Treasury, in each case under chapter 11 of title 11 for each quarter (including any fraction thereof) until a plan is confirmed or the case is converted or dismissed, whichever occurs first. The fee shall be \$250 for each quarter in which disbursements total less than \$15,000; \$500 for each quarter in which disbursements total \$15,000 or more but less than \$150,000; \$1,250 for each quarter in which disbursements total \$150,000 or more but less than \$300,000; \$3,750 for each quarter in which disbursements total \$300,000 or more but less than \$3,000,000; \$5,000 for each quarter in which disbursements total \$3,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed. *\$500 for each quarter in which disbursements total \$15,000 or more but less than \$75,000; \$750 for each quarter in which disbursements total \$75,000 or more but less than \$150,000; \$1,250 for each quarter in which disbursements total \$150,000 or more but less than \$225,000; \$1,500 for each quarter in which disbursements total \$225,000 or more but less than \$300,000; \$3,750 for each quarter in which disbursements total \$300,000 or more but less than \$1,000,000; \$5,000 for each quarter in which disbursements total \$1,000,000 or more but less than \$2,000,000; \$7,500 for each quarter in which disbursements total \$2,000,000 or more but less than \$3,000,000; \$8,000 for each quarter in which disbursements total \$3,000,000 or more but less than \$5,000,000; \$10,000 for each quarter in which disbursements total \$5,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.*

An individual commencing a voluntary case or a joint case under title 11 may pay such fee in installments. For converting, on request of the debtor, a case under chapter 7, or 13 of title 11, to a case under chapter 11 of title 11, the debtor shall pay to the clerk of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b) of this title, a fee of \$400.

* * * * *

ACT OF OCTOBER 25, 1994**(Pub. L. 103-414)**

AN ACT To amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

* * * * *

**TITLE IV—TELECOMMUNICATIONS CARRIER
COMPLIANCE PAYMENTS**

**SEC. 401. DEPARTMENT OF JUSTICE TELECOMMUNICATIONS CARRIER
COMPLIANCE FUND.**

(a) *ESTABLISHMENT OF FUND.*—There is hereby established in the United States Treasury a fund to be known as the Department of Justice Telecommunications Carrier Compliance Fund (hereafter referred to as “the Fund”), which shall be available without fiscal year limitation to the Attorney General for making payments to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services pursuant to section 109 of this Act.

(b) *DEPOSITS TO THE FUND.*—Notwithstanding any other provision of law, any agency of the United States with law enforcement, intelligence, or national security responsibilities may deposit as off-setting collections to the Fund any unobligated balances that are available until expended, upon compliance with any Congressional notification requirements for reprogrammings of funds applicable to the appropriation from which the deposit is to be made.

(c) *TERMINATION.*—

(1) The Attorney General may terminate the Fund at such time as the Attorney General determines that the Fund is no longer necessary.

(2) Any balance in the Fund at the time of its termination shall be deposited in the General Fund of the Treasury.

(3) A decision of the Attorney General to terminate the Fund shall not be subject to judicial review.

(d) *AVAILABILITY OF FUNDS FOR EXPENDITURE.*—Funds shall only be available for obligation after submission of an implementation plan as set forth in subsection (e) to the Committees on the Judiciary and Appropriations of both the House of Representatives and the Senate and shall be treated as a reprogramming of funds under section 605 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(e) *IMPLEMENTATION PLAN.*—The implementation plan shall include:

(1) law enforcement assistance capability features including an explanation of how proposed interface and assistance capability requirements exceed or differ from the law enforcement assistance currently provided by carriers;

(2) the actual and maximum number of simultaneous surveillance/intercepts that law enforcement agencies expect to per-

form (capacity requirements), as well as the “historical baseline electronic surveillance activity” on which the proposed capacity requirements are based;

(3) a detailed county by county listing of proposed actual and maximum capacity requirements;

(4) the proposed network switch and other assistance capability features requested by law enforcement that would be required to be installed by telecommunications carriers;

(5) a complete estimate of the full costs of development and deployment of the assistance capability features, the full costs of the proposed actual and maximum capacities requested by law enforcement, the full cost of training telecommunications carrier personnel in the use of such capabilities and capacities, and to what extent funding of \$500,000,000 will be sufficient to fully reimburse telecommunications carriers for the reasonable cost of compliance with this Act; and

(6) a complete estimate of the full and reasonable costs associated with modification to be performed by telecommunications carriers of their network equipment and facilities installed or deployed after January 1, 1995, which are not proposed for reimbursement.

(f) ANNUAL REPORT TO THE CONGRESS.—The Attorney General shall submit to the Congress each year a report specifically detailing all deposits and expenditures made pursuant to this Act in each fiscal year. This report shall be submitted to each Member of the Committees on the Judiciary and Appropriations of both the House of Representatives and the Senate, and to the Speaker and Minority Leader of the House of Representatives and to the Majority and Minority Leaders of the Senate, no later than 60 days after the end of each fiscal year.

TRANSFER OF FUNDS

Pursuant to clause 1(b), rule X of the House of Representatives, the following information is submitted describing the transfer of funds recommended in the accompanying bill:

On page 54, under “Operations, Research, and Facilities,” the Committee recommends that \$66,000,000 be derived by transfer from the fund entitled “Promote and Develop Fishery Products and Research Pertaining to American Fisheries.” This fund is a permanent appropriation to which a portion of Customs duties on fishery products is appropriated for fisheries research, management, and development. The Committee believes it appropriate to use a portion of these funds to support fisheries research and development programs under the “Operations, Research, and Facilities” account.

RESCISSION OF FUNDS

In compliance with clause 1(b) of rule X of the House of Representatives, the Committee reports that it recommends a rescission in the bill, as follows:

National Oceanic and Atmospheric Administration, Operations, Research and Facilities	-\$10,000,000
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FULL COMMITTEE VOTES

Pursuant to the provisions of clause 2(1)(2)(b) of rule XI of the House of Representatives, the results of each rollcall vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLLCALL NO. 1

Date: July 11, 1996.

Measure: Fiscal Year 1997 Commerce, Justice, State, Judiciary, Appropriations Bill.

Motion by: Mr. Livingston.

Description of motion: To preclude funding for negotiating activities or to implement agreements, amendments or understandings to the Anti-Ballistic Missile Treaty of 1972 regarding the establishment of a demarcation between theater missile defense systems and anti-ballistic missile systems unless the President certifies that any amendments, agreements or understandings reached will be submitted to the Senate for its advice and consent.

Results: Adopted 26 yeas to 21 nays.

Members Voting Yea

Mr. Bonilla
Mr. Bunn
Mr. Dickey
Mr. Forbes
Mr. Frelinghuysen
Mr. Hobson
Mr. Istook
Mr. Kingston
Mr. Knollenberg
Mr. Kolbe
Mr. Lewis
Mr. Lightfoot
Mr. Livingston
Mr. Miller
Mr. Myers
Mr. Nethercutt
Mr. Neumann
Mr. Parker
Mr. Regula
Mr. Rogers
Mr. Skeen
Mr. Taylor
Mrs. Vucanovich
Mr. Walsh
Mr. Wicker
Mr. Wolf

Members Voting Nay

Mr. Beville
Mr. Coleman
Mr. Dicks
Mr. Dixon
Mr. Durbin
Mr. Fazio
Mr. Foglietta
Mr. Hoyer
Ms. Kaptur
Mrs. Lowey
Mr. Mollohan
Mr. Murtha
Mr. Obey
Ms. Pelosi
Mr. Sabo
Mr. Serrano
Mr. Skaggs
Mr. Thornton
Mr. Torres
Mr. Visclosky
Mr. Yates

FULL COMMITTEE VOTES

Pursuant to the provisions of clause 2(1)(2)(b) of rule XI of the House of Representatives, the results of each rollcall vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLLCALL NO. 2

Date: July 11, 1996.

Measure: Fiscal Year 1997 Commerce, Justice, State, Judiciary Appropriations Bill.

Motion by: Mr. Skaggs.

Description of motion: To eliminaet funding for USIA television broadcasting to Cuba and increase funding for additional INS Border Patrol agents by \$11,000,000.

Results: Adopted 29 yeas to 13 nays.

Members Voting Yea

Mr. Bevill
 Mr. Bunn
 Mr. Chapman
 Mr. Coleman
 Mr. Dickey
 Mr. Dicks
 Mr. Dixon
 Mr. Durbin
 Mr. Fazio
 Mr. Foglietta
 Mr. Hoyer
 Mr. Istook
 Ms. Kaptur
 Mr. Kolbe
 Mrs. Lowey
 Mr. Miller
 Mr. Mollohan
 Mr. Nethercutt
 Mr. Neumann
 Mr. Parker
 Ms. Pelosi
 Mr. Regula
 Mr. Serrano
 Mr. Skaggs
 Mr. Thornton
 Mr. Torres
 Mr. Visclosky
 Mr. Walsh
 Mr. Yates

Members Voting Nay

Mr. Forbes
 Mr. Frelinghuysen
 Mr. Knollenberg
 Mr. Lewis
 Mr. Lightfoot
 Mr. Livingston
 Mr. Myers
 Mr. Rogers
 Mr. Skeen
 Mr. Taylor
 Mrs. Vucanovich
 Mr. Wicker
 Mr. Wolf

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1996 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1997

Agency and item (1)	Appropriated, 1996 (enacted to date) (2)	Budget esti- mates, 1997 (3)	Recommended in bill (4)	Bill compared with appro- priated, 1996 (5)	Bill compared with budget estimates, 1997 (6)
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses 1/.....	74,181,000	83,256,000	71,493,000	-2,688,000	-11,763,000
Counterterrorism fund.....	16,898,000	9,688,000	9,450,000	-7,448,000	-238,000
Administrative review and appeals:					
Direct appropriation.....	38,791,000	73,411,000	64,000,000	+25,209,000	-9,411,000
Crime trust fund.....	47,780,000	52,847,000	48,000,000	+220,000	-4,847,000
Total, Administrative review and appeals.....	86,571,000	126,258,000	112,000,000	+25,429,000	-14,258,000
Office of Inspector General.....	28,960,000	51,949,000	31,960,000	+3,000,000	-19,989,000
Total, General administration.....	206,610,000	271,151,000	224,903,000	+18,293,000	-46,248,000
Appropriations.....	(158,830,000)	(218,304,000)	(176,903,000)	(+18,073,000)	(-41,401,000)
Crime trust fund.....	(47,780,000)	(52,847,000)	(48,000,000)	(+220,000)	(-4,847,000)
United States Parole Commission					
Salaries and expenses.....	5,446,000	5,201,000	4,490,000	-956,000	-711,000

Legal Activities							
General legal activities:							
Direct appropriation.....	401,929,000	450,277,000	420,793,000	+ 18,864,000	-29,484,000		
(By transfer).....	(12,000,000)			(-12,000,000)			
Crime trust fund.....	7,591,000	7,750,000	7,750,000	+ 159,000			
Total, General legal activities.....	(421,520,000)	(458,027,000)	(428,543,000)	(+ 7,023,000)	(-29,484,000)		
Vaccine injury compensation trust fund.....	4,028,000	4,028,000	4,028,000				
Independent counsel (permanent, indefinite).....	2,884,000	3,000,000	3,000,000	+ 116,000			
Antitrust Division.....	85,074,000	84,336,000	84,336,000	-738,000			
Offsetting fee collections - carryover.....	-19,360,000		-7,889,000	+ 11,471,000	-7,889,000		
Offsetting fee collections - current year.....	-48,262,000	-58,905,000	-58,905,000	-10,643,000			
Direct appropriation.....	17,452,000	25,431,000	17,542,000	+ 90,000	-7,889,000		
United States Attorneys:							
Direct appropriation.....	894,346,000	949,279,000	931,029,000	+ 36,683,000	-18,250,000		
Crime trust fund.....	30,000,000	44,409,000	43,876,000	+ 13,876,000	-533,000		
Total, United States Attorneys.....	924,346,000	993,688,000	974,905,000	+ 50,559,000	-18,783,000		
United States Trustee System Fund	102,272,000	111,633,000	107,950,000	+ 5,678,000	-3,683,000		
Offsetting fee collections.....	-44,191,000	-49,869,000	-49,869,000	-5,678,000			
Direct appropriation.....	58,081,000	61,764,000	58,081,000		-3,683,000		
Foreign Claims Settlement Commission.....	829,000	878,000	878,000	+ 49,000			

**COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1996 AND
BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1997—Continued**

(1) Agency and item	(2) Appropriated, 1996 (enacted to date)	(3) Budget esti- mates, 1997	(4) Recommended in bill	(5) Bill compared with appro- priated, 1996	(6) Bill compared with budget estimates, 1997
United States Marshals Service:					
Direct appropriation.....	422,684,000	489,562,000	460,214,000	+37,530,000	-29,348,000
Crime trust fund.....	25,000,000	25,477,000	25,000,000	.....	-477,000
Total, United States Marshals Service.....	447,684,000	515,039,000	485,214,000	+37,530,000	-29,825,000
Federal Prisoner Detention					
(Prior year carryover).....	252,820,000	405,262,000	405,262,000	+152,442,000	.....
(By transfer).....	(33,511,000)	.....	.....	(-33,511,000)	.....
.....	(9,000,000)	.....	.....	(-9,000,000)	.....
Total, Federal prisoner detention	(295,331,000)	(405,262,000)	(405,262,000)	(+109,931,000)	.....
Fees and expenses of witnesses					
.....	85,000,000	100,702,000	100,702,000	+15,702,000	.....
Alternative dispute resolution.....	.....	2,000,000	.....	.....	-2,000,000
Total, Fees and expenses of witnesses	85,000,000	102,702,000	100,702,000	+15,702,000	-2,000,000
Community Relations Service					
.....	5,319,000	5,502,000	5,319,000	.....	-183,000
Assets forfeiture fund.....	29,487,000	30,000,000	30,000,000	+513,000	.....
Total, Legal activities	2,237,450,000	2,605,321,000	2,513,474,000	+276,024,000	-91,847,000
Appropriations.....	(2,174,859,000)	(2,527,685,000)	(2,436,848,000)	(+261,989,000)	(-90,837,000)
Crime trust fund.....	(62,591,000)	(77,636,000)	(76,626,000)	(+14,035,000)	(-1,010,000)

Radiation Exposure Compensation					
Administrative expenses	2,655,000	2,000,000	2,000,000	-655,000	
Payment to radiation exposure compensation trust fund.....	.....	13,736,000	13,736,000	+13,736,000	
Advance appropriation	16,264,000	.....	.....	-16,264,000	
Total, Radiation Exposure Compensation.....	18,919,000	15,736,000	15,736,000	-3,183,000	
Interagency Law Enforcement					
Interagency crime and drug enforcement	359,430,000	372,017,000	372,017,000	+12,587,000	
Federal Bureau of Investigation					
Salaries and expenses 1/	1,999,539,000	2,361,838,000	2,327,225,000	+327,686,000	-34,613,000
(By transfer).....	(22,000,000)	.....	.....	(-22,000,000)	
Counterintelligence and national security.....	102,345,000	102,345,000	117,081,000	+14,736,000	+14,736,000
FBI Fingerprint identification.....	84,400,000	84,400,000	84,400,000	.....	.....
Subtotal.....	(2,208,284,000)	(2,548,583,000)	(2,528,706,000)	(+320,422,000)	(-19,877,000)
Crime trust fund.....	218,300,000	133,123,000	153,000,000	-65,300,000	+19,877,000
Telephone carrier compliance .....	.....	100,000,000	.....	.....	-100,000,000
Construction	97,574,000	55,676,000	55,676,000	-41,898,000	.....
Total, Federal Bureau of Investigation.....	2,502,158,000	2,837,382,000	2,737,382,000	+235,224,000	-100,000,000
Appropriations.....	(2,283,858,000)	(2,704,259,000)	(2,584,382,000)	(+300,524,000)	(-119,877,000)
Crime trust fund	(218,300,000)	(133,123,000)	(153,000,000)	(-65,300,000)	(+19,877,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1996 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1997—Continued

(1) Agency and item	(2) Appropriated, 1996 (enacted to date)	(3) Budget estimates, 1997	(4) Recommended in bill	(5) Bill compared with appropriated, 1996	(6) Bill compared with budget estimates, 1997
Drug Enforcement Administration					
Salaries and expenses.....	796,315,000	870,862,000	785,862,000	-10,453,000	-85,000,000
Diversion control fund.....	-47,241,000	-52,824,000	-52,824,000	-5,583,000	.....
Direct appropriation.....	749,074,000	818,038,000	733,038,000	-16,036,000	-85,000,000
Crime trust fund.....	60,000,000	138,000,000	172,000,000	+112,000,000	+34,000,000
Transfer from Office of Justice Programs.....	.....	.....	71,000,000	+71,000,000	+71,000,000
Total, Drug Enforcement Administration.....	809,074,000	956,038,000	976,038,000	+166,964,000	+20,000,000
Immigration and Naturalization Service					
Salaries and expenses:					
Direct appropriation.....	1,393,064,000	1,683,914,000	1,667,614,000	+274,550,000	-16,300,000
Border Patrol:					
Direct appropriation (earmark).....	(506,800,000)	.....	.....	(-506,800,000)	.....
Crime trust fund (earmark).....	(75,765,000)	.....	.....	(-75,765,000)	.....
Subtotal, Border patrol.....	(582,565,000)	.....	.....	(-582,565,000)	.....
Immigration initiative (crime trust fund).....	316,198,000	458,168,000	500,168,000	+183,970,000	+42,000,000
Subtotal, Direct and crime trust fund.....	(1,709,262,000)	(2,142,082,000)	(2,167,782,000)	(+458,520,000)	(+25,700,000)

Fee accounts:						
Immigration legalization fund.....	(1,893,000)	(1,893,000)	(1,893,000)	(1,893,000)	(+ 72,000)	
Immigration user fee.....	(356,187,000)	(388,664,000)	(388,664,000)	(388,664,000)	(+ 32,477,000)	
Land border inspection fund.....	(5,960,000)	(11,054,000)	(11,054,000)	(11,054,000)	(+ 5,094,000)	
Immigration examinations fund.....	(439,550,000)	(511,061,000)	(511,061,000)	(511,061,000)	(+ 71,511,000)	
Cuban/Haitian resettlement (examinations fund).....	(10,057,000)				(-10,057,000)	
Breached bond fund.....	(6,351,000)	(6,613,000)	(6,613,000)	(6,613,000)	(+ 262,000)	
Subtotal, Fee accounts.....	(819,926,000)	(919,285,000)	(919,285,000)	(919,285,000)	(+ 99,359,000)	
Construction.....	24,960,000	5,541,000	9,841,000	9,841,000	-15,119,000	+ 4,300,000
Total, Immigration and Naturalization Service.....	(2,554,148,000)	(3,066,908,000)	(3,096,908,000)	(3,096,908,000)	(+ 542,760,000)	(+ 30,000,000)
Appropriations.....	(1,418,024,000)	(1,689,455,000)	(1,677,455,000)	(1,677,455,000)	(+ 259,431,000)	(-12,000,000)
Crime trust fund.....	(316,198,000)	(458,168,000)	(500,168,000)	(500,168,000)	(+ 183,970,000)	(+ 42,000,000)
(Fee accounts).....	(819,926,000)	(919,285,000)	(919,285,000)	(919,285,000)	(+ 99,359,000)	
Federal Prison System						
Salaries and expenses.....	2,611,143,000	2,887,816,000	2,858,316,000	2,858,316,000	+ 247,173,000	-29,500,000
Prior year carryover.....	-47,000,000		-40,500,000	-40,500,000	+ 6,500,000	-40,500,000
Direct appropriation.....	2,564,143,000	2,887,816,000	2,817,816,000	2,817,816,000	+ 253,673,000	-70,000,000
Crime trust fund.....	13,500,000	25,224,000	25,224,000	25,224,000	+ 11,724,000	
Total, Salaries and expenses.....	2,577,643,000	2,913,040,000	2,843,040,000	2,843,040,000	+ 265,397,000	-70,000,000
Buildings and facilities.....	334,728,000	295,700,000	395,700,000	395,700,000	+ 60,972,000	+ 100,000,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1996 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1997—Continued

(1) Agency and item	(2) Appropriated, 1996 (enacted to date)	(3) Budget estimates, 1997	(4) Recommended in bill	(5) Bill compared with appropriated, 1996	(6) Bill compared with budget estimates, 1997
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(2,861,000)	(3,740,000)	(3,042,000)	(+ 181,000)	(-698,000)
Total, Federal Prison System	2,912,371,000	3,208,740,000	3,238,740,000	+ 326,369,000	+ 30,000,000
Office of Justice Programs					
Justice Assistance:					
Direct appropriation	99,853,000	117,797,000	100,000,000	+ 147,000	-17,797,000
State and local law enforcement assistance:					
Direct appropriations:					
Byrne grants (discretionary)	60,000,000		60,000,000		+ 60,000,000
Byrne grants (formula)	328,000,000		255,000,000	-73,000,000	+ 255,000,000
Weed and seed fund (earmark)	(28,500,000)	(28,500,000)	(28,500,000)		
Subtotal, Direct appropriations	388,000,000		315,000,000	-73,000,000	+ 315,000,000
Crime trust fund:					
Byrne grants (formula)	147,000,000	535,000,000	245,000,000	+ 98,000,000	-290,000,000
Community policing	1,399,980,000	1,950,000,000	1,400,000,000	+ 20,000	-550,000,000
Transfer to State and local task forces/DEA			-71,000,000	-71,000,000	-71,000,000
Youth violence initiative (earmark)			(30,500,000)	(+ 30,500,000)	(+ 30,500,000)
Law enforcement scholarship program		10,000,000			-10,000,000
Police recruitment grants		1,155,000			-1,155,000

Police corps (direct).....	15,000,000	(10,000,000)	(10,000,000)				-15,000,000
Police corps (earmark).....		503,000,000	571,000,000				(+ 10,000,000)
Local law enforcement block grant							+571,000,000
Drug courts (direct).....		(18,000,000)	(18,000,000)				-100,000,000
Drug courts (earmark).....							(+ 18,000,000)
Boys and Girls clubs (earmark).....		(11,000,000)					
D. C. Police (earmark).....		(15,000,000)					
Upgrade criminal history records.....		25,000,000	50,000,000				
State prison grants.....		617,500,000	680,000,000				+25,000,000
State criminal alien assistance program		300,000,000	330,000,000				+62,500,000
State courts assistance.....			5,000,000				+30,000,000
Violence Against Women grants 2/.....		174,500,000	196,500,000				+5,000,000
State prison drug treatment 2/.....		27,000,000	35,000,000				+22,000,000
Other crime control programs.....		13,600,000	7,400,000				+8,000,000
Subtotal, Crime trust fund.....		3,207,580,000	3,448,900,000				-6,200,000
Total, State and local law enforcement		3,595,580,000	3,763,900,000				+241,320,000
Juvenile justice programs.....		148,500,000	149,500,000				
Public safety officers benefits program:							
Death benefits.....		28,474,000	30,126,000				+1,652,000
Disability benefits.....		2,134,000	2,200,000				+66,000
Total, Office of Justice Programs.....		3,874,541,000	4,045,726,000				+171,185,000
Appropriations.....		(666,961,000)	(596,826,000)				(+297,203,000)
Crime trust fund.....		(3,207,580,000)	(3,448,900,000)				(-451,360,000)

**COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1996 AND
BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1997—Continued**

(1) Agency and item	(2) Appropriated, 1996 (enacted to date)	(3) Budget esti- mates, 1997	(4) Recommended in bill	(5) Bill compared with appro- priated, 1996	(6) Bill compared with budget estimates, 1997
Total, title I, Department of Justice.....	14,660,221,000	16,619,092,000	16,306,129,000	+ 1,645,908,000	-312,963,000
Appropriations.....	(10,734,272,000)	(11,833,834,000)	(11,811,211,000)	(+ 1,076,939,000)	(-22,623,000)
Crime trust fund.....	(3,925,949,000)	(4,785,258,000)	(4,494,918,000)	(+ 568,969,000)	(-290,340,000)
(Limitation on administrative expenses)	(2,861,000)	(3,740,000)	(3,042,000)	(+ 181,000)	(-698,000)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
Office of the United States Trade Representative	20,862,000	21,449,000	21,449,000	+ 587,000	.....
Salaries and expenses.....					
International Trade Commission	39,954,000	41,707,000	40,000,000	+ 46,000	-1,707,000
Salaries and expenses.....					
Total, Related agencies.....	60,816,000	63,156,000	61,449,000	+ 633,000	-1,707,000
International Trade Administration					
Operations and administration.....	264,885,000	268,277,000	272,000,000	+ 7,115,000	+ 3,723,000
Export Administration	38,604,000	43,651,000	38,604,000	.....	-5,047,000
Operations and administration.....					

Economic Development Administration								
Economic development assistance programs	328,500,000	333,500,000	328,500,000					-5,000,000
Emergency appropriations (P.L. 104-134)	18,000,000	20,036,000					-18,000,000	-36,000
Salaries and expenses	20,000,000		20,000,000					
Total, Economic Development Administration	366,500,000	353,536,000	348,500,000				-18,000,000	-5,036,000
Minority Business Development Agency								
Minority business development	32,000,000	34,021,000	29,000,000				-3,000,000	-5,021,000
United States Travel and Tourism Administration								
Salaries and expenses (P.L. 104-99)	2,000,000						-2,000,000	
Total, Trade and Infrastructure Development	764,805,000	762,641,000	749,553,000				-15,252,000	-13,088,000
ECONOMIC AND INFORMATION INFRASTRUCTURE								
Economic and Statistical Analysis								
Salaries and expenses	45,900,000	53,510,000	45,900,000					-7,610,000
Bureau of the Census								
Salaries and expenses	133,617,000	150,665,000	133,617,000					-17,048,000
Periodic censuses and programs	150,100,000	248,690,000	205,100,000				+55,000,000	-43,590,000
Total, Bureau of the Census	283,717,000	399,355,000	338,717,000				+55,000,000	-60,638,000
National Telecommunications and Information Administration								
Salaries and expenses	17,000,000	18,478,000	15,000,000				-2,000,000	-3,478,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1996 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1997—Continued

(1) Agency and item	(2) Appropriated, 1996 (enacted to date)	(3) Budget estimates, 1997	(4) Recommended in bill	(5) Bill compared with appropriated, 1996	(6) Bill compared with budget estimates, 1997
Public broadcasting facilities, planning and construction.....	15,500,000	8,000,000	10,250,000	-5,250,000	+2,250,000
Endowment for Children's Educational Television.....	.....	2,497,000	.....	.....	-2,497,000
Information infrastructure grants	21,500,000	59,000,000	21,490,000	-10,000	-37,510,000
Total, National Telecommunications and Information Administration	54,000,000	87,975,000	46,740,000	-7,260,000	-41,235,000
Patent and Trademark Office	.....	.....	.....	.....	.....
Salaries and expenses	81,252,000	115,000,000	100,000,000	+18,748,000	-15,000,000
Total, Economic and Information Infrastructure	464,869,000	655,840,000	531,357,000	+66,488,000	-124,483,000
SCIENCE AND TECHNOLOGY	.....	.....	.....	.....	.....
National Institute of Standards and Technology	.....	.....	.....	.....	.....
Scientific and technical research and services	258,670,000	270,744,000	268,000,000	+9,330,000	-2,744,000
Industrial technology services	300,927,000	450,000,000	200,400,000	-100,527,000	-249,600,000
Construction of research facilities.....	59,977,000	105,240,000	.....	-59,977,000	-105,240,000
Total, National Institute of Standards and Technology..	619,574,000	825,984,000	468,400,000	-151,174,000	-357,584,000

National Oceanic and Atmospheric Administration							
Operations, research and facilities 3/	1,793,784,000	1,974,215,000	1,738,200,000	-55,584,000	-236,015,000		
Offsetting collections - fees	-3,000,000	-3,000,000	-3,000,000				
Direct appropriation	1,790,784,000	1,971,215,000	1,735,200,000	-55,584,000	-236,015,000		
(By transfer from Promote and Develop Fund)	(63,000,000)	(61,068,000)	(66,000,000)	(+ 3,000,000)	(+ 4,932,000)		
(By transfer from Damage assessment and restoration revolving fund, permanent)	3,900,000	6,000,000	6,000,000	+ 2,100,000			
(Damage assessment and restoration revolving fund)	-3,900,000	-6,000,000	-6,000,000	-2,100,000			
Total, Operations, research and facilities	1,790,784,000	1,971,215,000	1,735,200,000	-55,584,000	-236,015,000		
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)				
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)				
Construction	50,000,000	37,366,000	36,000,000	-14,000,000	-1,366,000		
Emergency appropriations (P.L. 104-134)	7,500,000			-7,500,000			
Fleet modernization, shipbuilding and conversion	8,000,000	12,000,000	6,000,000	-2,000,000	-6,000,000		
Fishing vessel and gear damage fund	1,032,000	200,000	200,000	-832,000			
Fishermen's contingency fund	999,000	1,002,000	1,000,000	+ 1,000	-2,000		
Foreign fishing observer fund	196,000	196,000	196,000				
Fishing vessel obligations guarantees	250,000	250,000	250,000				
Total, National Oceanic and Atmospheric Administration	1,858,761,000	2,022,229,000	1,778,846,000	-79,915,000	-243,383,000		
Technology Administration							
Salaries and expenses	7,000,000	9,531,000	5,000,000	-2,000,000	-4,531,000		
Total, Science and Technology	2,485,335,000	2,857,744,000	2,252,246,000	-233,089,000	-605,498,000		

**COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1996 AND
BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1997—Continued**

(1) Agency and item	(2) Appropriated, 1996 (Enacted to date)	(3) Budget esti- mates, 1997	(4) Recommended in bill	(5) Bill compared with appro- priated, 1996	(6) Bill compared with budget estimates, 1997
General Administration					
Salaries and expenses	29,100,000	29,100,000	27,400,000	-1,700,000	-1,700,000
Office of Inspector General	19,849,000	20,849,000	19,445,000	-404,000	-1,404,000
Working capital fund (by transfer) .....	.....	(3,000,000)	(3,000,000)	(+ 3,000,000)	.....
Total, General administration.....	48,949,000	49,949,000	46,845,000	-2,104,000	-3,104,000
National Institute of Standards and Technology					
Construction of research facilities (rescission)	-75,000,000	.....	.....	+ 75,000,000	.....
National Oceanic and Atmospheric Administration					
Operations, research and facilities (rescission) .....	.....	.....	-10,000,000	-10,000,000	-10,000,000
Total, Department of Commerce.....	3,628,142,000	4,263,018,000	3,508,552,000	-119,590,000	-754,466,000
Total, title II, Department of Commerce and related agencies.....	3,688,958,000	4,326,174,000	3,570,001,000	-118,957,000	-756,173,000
(By transfer)	(63,000,000)	(64,068,000)	(69,000,000)	(+ 6,000,000)	(+ 4,932,000)
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,662,000	1,704,000	1,704,000	+ 42,000	.....

Other salaries and expenses	24,172,000	25,453,000	25,453,000	+ 1,281,000	.....
Total, Salaries and expenses.....	25,834,000	27,157,000	27,157,000	+ 1,323,000	.....
Care of the building and grounds.....	3,313,000	3,313,000	2,490,000	-823,000	-823,000
Total, Supreme Court of the United States.....	29,147,000	30,470,000	29,647,000	+ 500,000	-823,000
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges.....	1,892,000	1,898,000	1,898,000	+ 6,000	.....
Other salaries and expenses	12,396,000	14,080,000	13,115,000	+ 719,000	-965,000
Total, Salaries and expenses.....	14,288,000	15,978,000	15,013,000	+ 725,000	-965,000
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges.....	1,413,000	1,447,000	1,447,000	+ 34,000	.....
Other salaries and expenses	9,446,000	9,667,000	9,667,000	+ 221,000	.....
Total, Salaries and expenses.....	10,859,000	11,114,000	11,114,000	+ 255,000	.....
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges.....	226,024,000	225,956,000	225,956,000	-68,000	.....
Other salaries and expenses	2,207,117,000	2,521,390,000	2,325,000,000	+ 117,883,000	-196,390,000
Direct appropriation.....	2,433,141,000	2,747,346,000	2,550,956,000	+ 117,815,000	-196,390,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1996 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1997—Continued

(1) Agency and item	(2) Appropriated, 1996 (enacted to date)	(3) Budget estimates, 1997	(4) Recommended in bill	(5) Bill compared with appropriated, 1996	(6) Bill compared with budget estimates, 1997
Crime trust fund.....	30,000,000	35,000,000	30,000,000	.....	-5,000,000
Total, Salaries and expenses.....	2,463,141,000	2,782,346,000	2,580,956,000	+ 117,815,000	-201,390,000
Vaccine Injury Compensation Trust Fund.....	2,318,000	2,390,000	2,390,000	+ 72,000	.....
Defender services.....	267,217,000	318,905,000	297,000,000	+ 29,783,000	-21,905,000
(Prior year carryover).....	(28,544,000)	.....	.....	(-28,544,000)	.....
Total, Defender services.....	(295,761,000)	(318,905,000)	(297,000,000)	(+ 1,239,000)	(-21,905,000)
Fees of jurors and commissioners.....	59,028,000	68,083,000	66,000,000	+ 6,972,000	-2,083,000
Court security.....	102,000,000	131,885,000	125,000,000	+ 23,000,000	-6,885,000
Total, Courts of Appeals, District Courts, and Other Judicial Services.....	2,893,704,000	3,303,609,000	3,071,346,000	+ 177,642,000	-232,263,000
Administrative Office of the United States Courts					
Salaries and expenses.....	47,500,000	53,523,000	48,500,000	+ 1,000,000	-5,023,000
Federal Judicial Center					
Salaries and expenses.....	17,914,000	19,625,000	17,495,000	-419,000	-2,130,000
Judicial Retirement Funds					
Payment to Judiciary Trust Funds.....	32,900,000	30,200,000	30,200,000	-2,700,000	.....

United States Sentencing Commission						
Salaries and expenses	8,500,000	9,200,000	8,300,000	-200,000	-900,000	
Total, title III, the Judiciary.....	3,054,812,000	3,473,719,000	3,231,615,000	+ 176,803,000	-242,104,000	
Appropriations.....	(3,024,812,000)	(3,438,719,000)	(3,201,615,000)	(+ 176,803,000)	(-237,104,000)	
Crime trust fund	(30,000,000)	(35,000,000)	(30,000,000)	.....	(-5,000,000)	
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	1,716,196,000	1,747,209,000	1,705,450,000	-10,746,000	-41,759,000	
Registration fees.....	700,000	700,000	700,000	.....	.....
Total, Diplomatic and consular programs.....	1,716,896,000	1,747,909,000	1,706,150,000	-10,746,000	-41,759,000	
Salaries and expenses	364,698,000	358,159,000	352,300,000	-12,398,000	-5,859,000	
Capital investment fund.....	16,384,000	32,800,000	16,400,000	+ 16,000	-16,400,000	
Office of Inspector General.....	27,330,000	27,369,000	27,495,000	+ 165,000	+ 126,000	
Representation allowances	4,500,000	4,656,000	4,490,000	-10,000	-166,000	
Protection of foreign missions and officials.....	8,579,000	8,332,000	8,332,000	-247,000	.....
Security and maintenance of United States missions.....	385,043,000	386,060,000	370,000,000	-15,043,000	-16,060,000	
Emergencies in the diplomatic and consular service	6,000,000	5,800,000	5,800,000	-200,000	.....
International center, Washington DC.....	.....	594,000	.....	.....	-594,000	
Repatriation Loans Program Account:						
Direct loans subsidy.....	593,000	593,000	593,000	.....	.....
Administrative expenses.....	183,000	663,000	663,000	+ 480,000	.....
Total, Repatriation loans program account.....	776,000	1,256,000	1,256,000	+ 480,000	.....
Payment to the American Institute in Taiwan	15,145,000	15,001,000	15,001,000	-144,000	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1996 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1997—Continued

(1) Agency and item	(2) Appropriated, 1996 (enacted to date)	(3) Budget estimates, 1997	(4) Recommended in bill	(5) Bill compared with appropriated, 1996	(6) Bill compared with budget estimates, 1997
Payment to the Foreign Service Retirement and Disability Fund.....	125,402,000	126,491,000	126,491,000	+ 1,089,000	.....
Total, Administration of Foreign Affairs.....	2,670,753,000	2,714,427,000	2,633,715,000	-37,038,000	-80,712,000
International Organizations and Conferences					
Contributions to international organizations, current year assessment.....	892,000,000	1,045,000,000	875,000,000	-17,000,000	-170,000,000
Advance appropriation, FY 1998.....	.....	43,076,000	.....	.....	-43,076,000
Advance appropriation, FY 1999.....	.....	43,076,000	.....	.....	-43,076,000
Advance appropriation, FY 2000.....	.....	43,076,000	.....	.....	-43,076,000
Advance appropriation, FY 2001.....	.....	43,076,000	.....	.....	-43,076,000
Contributions for international peacekeeping activities, current year.....	359,000,000	425,000,000	332,400,000	-26,600,000	-92,600,000
Advance appropriation, FY 1998.....	.....	150,070,000	.....	.....	-150,070,000
Advance appropriation, FY 1999.....	.....	150,070,000	.....	.....	-150,070,000
Advance appropriation, FY 2000.....	.....	150,070,000	.....	.....	-150,070,000
Advance appropriation, FY 2001.....	.....	150,070,000	.....	.....	-150,070,000
International conferences and contingencies.....	2,996,000	5,820,000	.....	-2,996,000	-5,820,000
Total, International Organizations and Conferences.....	1,253,996,000	2,248,404,000	1,207,400,000	-46,596,000	-1,041,004,000

International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses.....	12,044,000	18,516,000	18,490,000	+ 6,446,000	-26,000
Construction.....	6,625,000	7,322,000	6,463,000	-162,000	-859,000
American sections, international commissions	5,791,000	5,627,000	5,490,000	-301,000	-137,000
International fisheries commissions.....	14,666,000	14,669,000	10,450,000	-4,216,000	-4,219,000
Total, International commissions	39,126,000	46,134,000	40,893,000	+ 1,767,000	-5,241,000
Other					
Payment to the Asia Foundation.....	5,000,000	5,000,000	8,000,000	+ 3,000,000	+ 3,000,000
Total, Department of State	3,968,875,000	5,013,965,000	3,890,008,000	-78,867,000	-1,123,957,000
RELATED AGENCIES					
Arms Control and Disarmament Agency					
Arms control and disarmament activities	38,638,000	48,455,000	38,495,000	-143,000	-9,960,000
United States Information Agency					
Salaries and expenses.....	445,371,000	468,016,000	439,300,000	-6,071,000	-28,716,000
Technology fund	5,050,000	10,000,000	5,050,000	.....	-4,950,000
Educational and cultural exchange programs.....	199,727,000	202,412,000	185,000,000	-14,727,000	-17,412,000
Eisenhower Exchange Fellowship Program, trust fund	509,000	600,000	600,000	+ 91,000	.....
Israeli Arab scholarship program	397,000	400,000	400,000	+ 3,000	.....
International Broadcasting Operations.....	324,858,000	365,406,000	335,700,000	+ 10,842,000	-29,706,000
Radio Free Asia: Operations (earmark).....	(5,000,000)	(10,000,000)	(5,000,000)	.....	(-5,000,000)
Broadcasting to Cuba (direct)	24,775,000	.....	.....	-24,775,000	.....
Broadcasting to Cuba (earmark).....	.....	(25,000,000)	(13,775,000)	(+ 13,775,000)	(-11,225,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1996 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1997—Continued

Agency and item (1)	Appropriated, 1996 (enacted to date) (2)	Budget esti- mates, 1997 (3)	Recommended in bill (4)	Bill compared with appro- priated, 1996 (5)	Bill compared with budget estimates, 1997 (6)
Radio construction	39,946,000	39,164,000	39,000,000	-946,000	-164,000
East-West Center.....	11,750,000	8,800,000	.....	-11,750,000	-8,800,000
North/South Center.....	2,000,000	970,000	.....	-2,000,000	-970,000
National Endowment for Democracy.....	30,000,000	30,000,000	30,000,000	.....	.....
Total, United States Information Agency	1,084,383,000	1,125,768,000	1,035,050,000	-49,333,000	-90,718,000
Total, related agencies.....	1,123,021,000	1,174,223,000	1,073,545,000	-49,476,000	-100,678,000
Total, title IV, Department of State.....	5,091,896,000	6,188,188,000	4,963,553,000	-128,343,000	-1,224,635,000
TITLE V - RELATED AGENCIES					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Operating-differential subsidies (liquidation of contract authority).....	(162,610,000)	(148,430,000)	(148,430,000)	(-14,180,000)	.....
Maritime Security Program.....	46,000,000	100,000,000	63,000,000	+17,000,000	-37,000,000
Operations and training.....	66,600,000	78,097,000	62,300,000	-4,300,000	-15,797,000

Maritime Guaranteed Loan Program Account:							
Guaranteed loans subsidy	40,000,000	40,000,000	37,450,000	-2,550,000	-2,550,000		
Administrative expenses	3,500,000	4,000,000	3,450,000	-50,000	-50,000		
Total, Maritime guaranteed loan program account	43,500,000	44,000,000	40,900,000	-2,600,000	-3,100,000		
Total, Maritime Administration	156,100,000	222,097,000	166,200,000	+ 10,100,000	-55,897,000		
Commission for the Preservation of America's Heritage Abroad							
Salaries and expenses	206,000	206,000	206,000				
Commission on Civil Rights							
Salaries and expenses	8,740,000	11,400,000	8,740,000		-2,660,000		
Commission on Immigration Reform							
Salaries and expenses	1,894,000	2,498,000	2,196,000	+ 302,000	-302,000		
Commission on Security and Cooperation in Europe							
Salaries and expenses	1,090,000	1,090,000	1,090,000				
Competitiveness Policy Council							
Salaries and expenses	50,000	897,000		-50,000	-897,000		
Equal Employment Opportunity Commission							
Salaries and expenses	232,740,000	268,000,000	232,740,000		-35,260,000		

**COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1996 AND
BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1997—Continued**

(1) Agency and item	(2) Appropriated, 1996 (enacted to date)	(3) Budget esti- mates, 1997	(4) Recommended in bill	(5) Bill compared with appro- priated, 1996	(6) Bill compared with budget estimates, 1997
Federal Communications Commission					
Salaries and expenses.....	185,619,000	222,538,000	185,619,000	.....	-36,919,000
Offsetting fee collections - current year	-126,400,000	-152,523,000	-126,400,000	.....	+ 26,123,000
Direct appropriation.....	59,219,000	70,015,000	59,219,000	.....	-10,796,000
Federal Maritime Commission					
Salaries and expenses.....	14,836,000	15,000,000	11,000,000	-3,836,000	-4,000,000
Federal Trade Commission					
Salaries and expenses.....	98,889,000	93,819,000	93,819,000	-5,070,000	.....
Offsetting fee collections - carryover	-19,360,000	.....	-7,889,000	+11,471,000	-7,889,000
Offsetting fee collections - current year	-48,262,000	-58,905,000	-58,905,000	-10,643,000	.....
Direct appropriation.....	31,267,000	34,914,000	27,025,000	-4,242,000	-7,889,000
Japan - United States Friendship Commission					
Japan - United States Friendship Trust Fund.....	1,247,000	1,250,000	.....	-1,247,000	-1,250,000
(Foreign currency appropriation).....	(1,420,000)	(1,420,000)	.....	(1,420,000)	(-1,420,000)
Legal Services Corporation					
Payment to the Legal Services Corporation.....	278,000,000	340,000,000	141,000,000	-137,000,000	-199,000,000

Marine Mammal Commission									
Salaries and expenses	1,189,000	1,334,000	975,000	-214,000	-359,000				
Martin Luther King, Jr. Federal Holiday Commission									
Salaries and expenses	350,000			-350,000					
National Bankruptcy Review Commission									
Salaries and expenses		500,000	500,000	+ 500,000					
Ounce of Prevention Council									
Direct appropriation	1,500,000			-1,500,000					
Crime trust fund		9,000,000			-9,000,000				
Securities and Exchange Commission									
Salaries and expenses 4/	297,021,000	308,189,000	297,021,000		-11,168,000				
Offsetting fee collections	-184,293,000		-193,974,000	-9,681,000	-193,974,000				
Offsetting fee collections - carryover	-9,667,000		-20,000,000	-10,333,000	-20,000,000				
Direct appropriation	103,061,000	308,189,000	83,047,000	-20,014,000	-225,142,000				
Small Business Administration									
Salaries and expenses	222,144,000	238,701,000	220,419,000	-1,725,000	-18,282,000				
Offsetting fee collections	-3,300,000	-3,300,000	-6,000,000	-2,700,000	-2,700,000				
Direct appropriation	218,844,000	235,401,000	214,419,000	-4,425,000	-20,982,000				
Office of Inspector General	8,500,000	9,985,000	8,900,000	+ 400,000	-1,085,000				

**COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1996 AND
BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1997—Continued**

(1) Agency and item	(2) Appropriated, 1996 (enacted to date)	(3) Budget esti- mates, 1997	(4) Recommended in bill	(5) Bill compared with appro- priated, 1996	(6) Bill compared with budget estimates, 1997
Business Loans Program Account:					
Direct loans subsidy.....	4,500,000	2,792,000	2,792,000	-1,708,000	.....
Guaranteed loans subsidy.....	155,010,000	316,263,000	160,660,000	+ 5,650,000	-155,603,000
Micro loan guarantees.....	1,216,000	2,317,000	1,216,000	.....	-1,101,000
Administrative expenses.....	92,622,000	94,090,000	93,485,000	+ 863,000	-605,000
Total, Business loans program account.....	253,348,000	415,462,000	258,153,000	+ 4,805,000	-157,309,000
Disaster Loans Program Account:					
Direct loans subsidy.....	34,432,000	65,800,000	105,432,000	+ 71,000,000	+ 39,632,000
Emergency appropriations (P.L. 104-134).....	71,000,000	.....	.....	-71,000,000	.....
Administrative expenses.....	71,578,000	78,000,000	100,578,000	+ 29,000,000	+ 22,578,000
Emergency appropriations (P.L. 104-134).....	29,000,000	.....	.....	-29,000,000	.....
Contingency fund (emergency).....	.....	100,000,000	.....	.....	-100,000,000
Total, Disaster loans program account.....	206,010,000	243,800,000	206,010,000	.....	-37,790,000
Surety bond guarantees revolving fund.....					
	2,530,000	3,730,000	3,730,000	+ 1,200,000	.....
Total, Small Business Administration.....	689,232,000	908,378,000	691,212,000	+ 1,980,000	-217,166,000
State Justice Institute					
Salaries and expenses 5/.....	5,000,000	13,550,000	.....	-5,000,000	-13,550,000

Total, title V, Related agencies.....	1,585,721,000	2,208,318,000	1,425,150,000	-160,571,000	-783,168,000
Appropriations.....	(1,585,721,000)	(2,199,318,000)	(1,425,150,000)	(-160,571,000)	(-774,168,000)
Crime trust fund.....		(9,000,000)			(-9,000,000)
(Liquidation of contract authority).....	(162,610,000)	(148,430,000)	(148,430,000)	(-14,180,000)	
TITLE VI - RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working capital fund (rescission)	-65,000,000			+65,000,000	
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Acquisition and maintenance of buildings abroad (rescission).....	-64,500,000			+64,500,000	
RELATED AGENCIES					
United States Information Agency					
Radio construction (rescission)	-7,400,000			+7,400,000	
Total, title VI, Rescissions.....	-136,900,000			+136,900,000	
Scorekeeping adjustments	-144,688,000	-856,320,000	16,264,000	+160,952,000	+872,584,000

**COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1996 AND
BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1997—Continued**

(1) Agency and item	(2) Appropriated, 1996 (enacted to date)	(3) Budget esti- mates, 1997	(4) Recommended in bill	(5) Bill compared with appro- priated, 1996	(6) Bill compared with budget estimates, 1997
Grand total:					
New budget (obligational) authority	27,800,020,000	31,959,171,000	29,512,712,000	+ 1,712,692,000	-2,446,459,000
Appropriations	(24,055,971,000)	(27,129,913,000)	(24,997,794,000)	(+ 941,823,000)	(-2,132,119,000)
Rescissions	(-211,900,000)	.....	(-10,000,000)	(+ 201,900,000)	(-10,000,000)
Crime trust fund	(3,955,949,000)	(4,829,258,000)	(4,524,918,000)	(+ 568,969,000)	(-304,340,000)
(By transfer)	(106,000,000)	(64,068,000)	(69,000,000)	(-37,000,000)	(+ 4,932,000)
(Limitation on administrative expenses)	(2,861,000)	(3,740,000)	(3,042,000)	(+ 181,000)	(-698,000)
(Liquidation of contract authority)	(162,610,000)	(148,430,000)	(148,430,000)	(-14,180,000)	.....
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	.....	(-1,420,000)	(-1,420,000)

- 1/ Does not include "Health care fraud enforcement" legislative proposal to be transmitted later.
- 2/ Included under Justice Assistance in FY 1996.
- 3/ Does not include legislative proposals to be transmitted later.
- 4/ Does not include legislative proposal regarding fees to be transmitted later.
- 5/ President's budget proposes \$5,000,000 for State Justice Institute.
- 6/ FY 1996 Enacted reflects administrative reductions from P.L. 104-134.

ADDITIONAL VIEWS OF MR. OBEY

It is apparent that some Members of this Congress view the Anti-Ballistic Missile Treaty with minimum high regard. Language added to this appropriation restricting the use of funds needed for negotiating updated clarifications of the treaty reflect that lack of regard. Because of that language, this bill would create potentially needless barriers to the extension of the treaty to the Republics of the former Soviet Union. That would in effect make the entire treaty of questionable value and threaten compliance by anyone. While that might be good news for some weapons manufacturers, it would be terrible news for virtually everyone else.

The ABM Treaty was signed in 1972 by President Nixon. In the past few months the Administration has been making progress toward a set of understandings that would update the treaty—taking into consideration the fact that one of the original signatories, the Soviet Union, no longer exists and that the treaty must require Russia and other republics of the former Soviet Union to assume the compliance responsibilities of the Soviet Union if it is to continue to be effective. I find it very difficult to understand why any American would not support our efforts to gain treaty compliance on the part of all of the Former Soviet Republics.

The Administration is also trying to use this opportunity to clarify and further define the distinction between anti-ballistic missile systems and theater missile defense systems, consistent with the 1996 Defense Authorization Act and according to the standard which that act established. Such clarification would provide the latitude to deploy systems more protective of our ground troops and the U.S. military posture throughout the world. The net effect of this clarification is to make the Treaty more acceptable to some of its U.S. critics, including the author of this language.

These two clarifications represent the entire thrust of the current negotiations. In both cases, according to our Constitutional process, the Administration has the authority to define understandings pursuant to treaties without referring the treaty to the Senate for ratification. The Administration has not yet determined whether these understandings will require Congressional action although the Administration has consistently signaled its intention to ensure that the Congress is well-briefed as the negotiations continue.

If the treaty clarifications reached in the negotiations constitute substantive adjustments to the ABM Treaty, then I would also expect the Congress to be given the opportunity to take action with respect to those changes. But if these clarifications do not result in substantive changes to the original treaty—which is entirely possible, then the language contained in this bill could pose a major additional obstacle to a commitment by the former Soviet Republics to meet their treaty obligations. The language would not only trigger action in the United States Senate, but would trigger parallel

actions on the part of the other signatories injecting the Russian Duma and the legislative bodies of the other former republics unnecessarily into what would become a much more complicated and elaborate ratification process. This would bode particularly ill for U.S. interests and for the future of the Treaty since the most reactionary and anti American political elements in the Republics maintain their political power base in these legislatures. Requiring re-ratification by these bodies is clearly not in the U.S. interest and could result in the ABM Treaty falling apart.

While I sincerely hope that the real motive behind this language is not to blow up the ABM Treaty, using a possible refusal of the Duma, the *RADA* or some other legislature to re-ratify as an excuse, it is hard to see what other purpose it serves. Why else would the Committee act to force legislative review on language which has yet to be finally agreed to by the negotiators.

One additional concern which this language raises, is the threat which it poses to the ability of this Committee and the Congress to get its work done in a timely manner and without threatening government shutdowns. Last year, this bill and others were needlessly loaded up with controversial language that dealt with matters unrelated to agency funding levels. By attempting to resolve issues outside the jurisdiction of this committee, matters that were clearly the responsibility of other committees we became enmeshed in legislative gridlock. The two bodies of Congress were unable to arrive at an agreement on most Appropriation matters until a significant part of the new Fiscal Year had already passed. Months more passed before agreement could be reached with the President so that the appropriation bills could finally become law. Taxpayers across the country were victimized by this mishandling of the public trust. In the three major Departments funded under this bill, the shutdowns resulted in serious impediments to: the prosecution of federal felonies; orderly operation of federal prisons; maintenance of diplomatic relations; as well as significant losses to thousands of small businesses who will not renew their contracts with the federal government unless allowances are made for the previously unanticipated risks which such occurrences pose to those willing to do business with the federal government.

This language sends us right back down that road again. This issue is already being addressed in the Senate Defense Authorization. Its inclusion in this bill duplicates that debate and creates problems for this bill that will impede its consideration at every step in the process. Once again our efforts to reach common ground on spending matters are being entangled in issues that have little or nothing to do with the basic task of funding the Federal government—a task which the record of this Congress would indicate is more than sufficiently daunting to command our full and exclusive attention.

ADDITIONAL VIEWS SUBMITTED BY MR. MOLLOHAN, MR.
SKAGGS, AND MR. DIXON

We would like to congratulate the Chairman for the fine job he has done in putting together this bill under difficult circumstances. He and his staff have worked tirelessly in crafting this bill, and we want to thank them for their diligence, and for allowing us to voice our views on a number of issues during the appropriations process.

Regrettably, however, there are several areas of the bill where we are in disagreement.

First, we must express our objections to the funding level provided in this bill for the Legal Services Corporation (LSC). In Fiscal Year 1996, funding for the LSC was reduced significantly, and numerous new restrictions were placed on LSC grantees. The additional cut in Fiscal Year 1997 funding, a reduction of almost 50 percent below that provided in Fiscal Year 1996, is cause for serious alarm. The guiding premise under which our legal system is founded is equal justice under law. Access to the system is the first requirement in fulfilling that lofty principle, and that access is being denied to many Americans due to the funding level provided in this bill. A funding level of \$141 million will surely prevent many of the poorest of our Nation's citizens from accessing our judicial system.

Additionally, we are very concerned with the level of funding provided for programs under the Department of Commerce. This bill would cut the Department \$756 million below the Administration's request, and \$119 million below the level provided in Fiscal Year 1996.

This bill does not provide adequate funding for the Department of Commerce's technology initiatives. The most egregious example is the Advanced Technology Program. There is only \$110.5 million for ATP in this bill—not nearly enough for the Federal government to fulfill its obligations on prior year grant awards. While we realize there is a philosophical difference of opinion on ATP, this program is a critical part of the President's competitiveness agenda, and deserves to be funded robustly. Simply stated, the ATP is about investing in our Nation's competitiveness in the global marketplace. It does nothing more than put U.S. industry on a level playing field with our major global competitors. And while we are pleased with the increases this bill provides for NIST's internal programs, it is simply not a substitute for ATP.

We are also very concerned with the majority's decision to zero out NIST's construction account. The current laboratory facilities at NIST are woefully inadequate, and such an action only serves to perpetuate the problem.

Also in Commerce, we are concerned with the level of funding provided for the Census Bureau. This bill provides a funding level which is \$60 million below the Administration's request. It does not

provide much needed increases for current economic statistics and cuts in half the requested increase for the ramp up to the 2000 Census.

There are several other areas of Commerce's budget for which this bill does not provide adequate resources. For example, the funding levels provided to the National Weather Service's operations and research account and NESDIS environmental observing systems will result in a degradation of the overall accuracy and timeliness of local weather and flooding forecasts nationwide.

With regard to the Small Business Administration, this bill does not provide the requested—and needed—increase for the 7(a) business loan program. We are concerned that without necessary changes to the program's subsidy rate, this mark may limit capital available to small businesses.

With regard to the State Department, while the bill does provide some funding to reduce our United Nation's peacekeeping arrearages, we believe the bill does not go far enough. We join the Chairman in his efforts to promote real reforms at the United Nations, and applaud his leadership in this area. We simply wish to point out that the willingness of our allies to support our strong demands for U.N. reform is lessened by our large arrearage balances.

We also wish to articulate our concerns regarding funding for the United States Information Agency (USIA). We urge caution in reductions to educational and cultural exchange accounts. In international broadcasting, we question the need for additional funding for the Radio Free Asia/Asia Pacific Network program. A sufficient operating plan has not been received by the Congress and the Broadcasting Board of Governors has not provided specific transmitter or cost information.

Of additional note, we point out that while the Judiciary has received some increases over Fiscal Year 1996, we are concerned about the level of funding provided for defender services.

Lastly, on a more positive note, we are pleased that funds have been provided for the Community Policing initiative known as the COPS program. The COPS program, a critical piece of the President's crime fighting strategy, is a resounding success. With approval given to applications for over 44,000 new COPS on the beat, we are well on our way toward fulfilling the President's goal of adding 100,000 COPS to this Nation's streets. We also want to express our support for the robust funding of law enforcement functions in this bill. Substantially increased resources have been provided for the important missions performed by the Federal Bureau of Investigation, the Drug Enforcement Administration, U.S. Attorneys, U.S. Marshals, and the Immigration and Naturalization Service.

ALAN B. MOLLOHAN.
DAVID E. SKAGGS.
JULIAN C. DIXON.