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House of Representatives

The House met at 10 a.m.

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

As we approach this Thanksgiving season with the joy and happiness of reunion with family and friends, we offer our prayer of thanksgiving to You, oh God, for the wonder and beauty and splendor of the gifts that you have given us.

For family who support us, for friends who share their affection, for the opportunities of work and service, for the gifts of faith and hope and love, we offer these words of praise. May Your benediction be ever with us, may Your blessing never depart from us, and may Your words of grace remain with us always. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from North Carolina [Mrs. CLAYTON] come forward and lead the House in the Pledge of Allegiance.

Mrs. CLAYTON led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize fifteen 1-minutes on each side.

GAMING INDUSTRY EMPLOYEE IMPACT SURVEY

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

Mr. GIBBONS. Mr. Speaker, sometimes even through the fog of Washington the truth shines through.

Last week, I distributed to all my colleagues a study completed by the accounting firm of Coopers & Lybrand that indicated the numerous positive

NOTICE

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By order of the Joint Committee on Printing.

JOHN WARNER, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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contributions made by the gaming industry to their employers and employees and the surrounding community as well.

The goal of the survey was to receive direct feedback from the industry employees themselves, and the results are truly a positive reflection of the advantages of the casino gaming industry.

Of the 178,000 gaming employees surveyed, 8.5 percent said they had left welfare due to their casino job. A further 63 percent of those surveyed said that they had a better health care coverage now than at their previous job.

Mr. Speaker, the results of the Gaming Industry Employee Impact Survey demonstrate the significant positive impact casino gaming has had on many families and communities across the country. I urge each of my colleagues to look over this survey to learn of the positive impact that the gaming industry has had on its employees.

LEVI STRAUSS LAYS OFF 6,400 WORKERS WHILE ONE EXECUTIVE GETS $127 MILLION

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

Mr. BROWN of Ohio. Mr. Speaker, last week Levi Strauss laid off 6,400 workers, mostly women, most of them making between $5.50 and $7.50 an hour. But last year, according to the San Francisco Chronicle, Levi Strauss gave its No. 2 executive, Thomas Tusher, $105.8 million in stock options. Then it threw in another $21.5 million as a bonus to offset taxes. Mr. Speaker, 6,400 people lose their job, one executive gets $127 million.

My colleagues have heard of golden parachutes? Well, this, Mr. Speaker, is a platinum parachute, and meanwhile 6,400 people are looking for work. This has got to stop.

TRIBUTE TO MAJ. GEN. RONDAL H. SMITH

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

Mr. CHAMBLISS. Mr. Speaker, I rise this morning to pay tribute to my good friend, Maj. Gen. Rondal H. Smith, who is retiring next week from his post as commander of the Warner Robins Air Logistics Center in Georgia.

As one of our country's leading experts in logistics, he assumed the command at Robins in June 1995 and has led Robins through what could probably be the most challenging 2½ years in the ALC's history.

His commitment to top quality work and community support was no more evident than when Robins Air Force Base was awarded the C–5 contract. General Smith, aided by the talented folks at Team Robins, put together an innovative bid which will save American taxpayers over $190 million while ensuring a bright and productive future for the Robins Air Logistics Center and the Warner Robins community alike.

As General Smith says goodbye next week to the Air Force he has so faithfully served, he can leave knowing that America is a safer and better place because of his distinguished career. I thank Ron for the contribution he has made to his community, his State, and above all, to his country. It has been a great honor to have worked with him over the last several years. He should know that he will be deeply missed, and I wish him and Debbie the very best as he enters the world of civilian life.

DEPENDABLE, AFFORDABLE, HIGH-QUALITY CHILD CARE NEEDED

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, as we are about to adjourn this year, we have many issues that remain to be dealt with, but one in particular I want to lift up is the whole issue of child care.

Recently, the President had a conference on child care, and certainly child care is an important, needed commodity for millions of children whose parents work outside the home. I am delighted that the President indeed focused the administration on this issue, but I am also saddened that we have not gone further here in Congress ourselves.

More than 12 million children under the age of 5, including half of the infants under the age of 1 year of age, spend at least part of their day each day away from their home. A well trained, competent child care provider is crucial to the health and the welfare of our children. There are millions of additional children under the age of 12 in the United States who are in some form of child care at the beginning or at the end of their school day. Working parents, regardless of their income, including working parents of poor and welfare-to-work, are beginning to find it far more difficult to find high quality day care.

The availability of child care that is reliable and convenient is essential if we are going to have opportunities for our children.

SUPPORT THE TERMINATION OF THE INTERNAL REVENUE CODE

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

Mr. JONES. Mr. Speaker, I am proud to be able to report to the people of eastern North Carolina that when it comes to providing real relief for the American taxpayer, this Congress is finally taking steps in the right direction.

Last week, the House passed an IRS reform bill giving taxpayers new and important protection in their dealings with the IRS. This legislation represents a significant step toward providing the American people with the relief they deserve from their unfair tax burden, but it is not enough. In order to truly act in the best interests of the taxpayers, this Congress should abolish the lengthy and complicated Tax Code and create a shorter, more concise Tax Code.

I urge my colleagues to continue to work for real tax reform and to support the termination of the Internal Revenue Code. Let us give the American people a simpler and fairer tax system. The taxpayers deserve relief.

CALLING FOR INVESTIGATION, NOT COMPENSATION, OF MEXICAN GOVERNMENT

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

Mr. TRAFICANT. Mr. Speaker, 80 percent of all drugs in America comes through Mexico. Heroin use by 12 to 17-year-olds is at a record level. Our border patrol agents are being shot at every day. Even the life of America's Drug Czar, General McCaffrey, has now been threatened by the Mexican drug cartel. And after all this, Mexican President Zedillo says he blames the drug problem on America and wants America to compensate Mexico for all of the garbage we are causing.

Unbelievable. Our borders are wide open, our kids are strung out, our prisons overloaded, and Mexico wants to be paid for it.

Beam me up. If this is a war on drugs, I am a fashion leader.

What is next, Mr. Speaker? Foreign aid for Saddam Hussein?

Do we have any brains left?

I say we should investigate the Mexican Government not compensate them.

TOWN MEETING TOPIC: UNFAIR ABUSE OF POWER BY IRS

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

Mr. PAPPAS. Mr. Speaker, the American people are willing to pay taxes, they are willing to pay their fair share, but what they are not willing to do is to pay unfair taxes. And, Mr. Speaker, as one of my colleagues mentioned just a few moments ago, we passed just this past week a bill to reform the IRS.

This Saturday, I along with many of my colleagues are holding open houses or town meetings. I am holding five in the 12th District in central New Jersey, and I hope that viewers from my district that may see this may call my office to participate, talk about what they view as unfair abuse of power that the IRS may have taken, and to seek my help in trying to cut through some redtape. I would encourage people to call my office, 908–284–1138.

□ 1015

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). The Member is reminded not to address the television audience during 1-minute speeches.

CAMPAIGN FINANCE REFORM NOT ADDRESSED

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

Mr. SNYDER. Mr. Speaker, we are going to recess today probably until the end of January, and unfortunately we did nothing in this session of Congress on campaign finance reform. So I can clarify the state of the law as we are leaving it when we go home today, this check from my friend, I am a big donor, for $1 billion to the political party of her choice is still good and perfectly legal. So what does that mean to Americans out there? It means if you are a family of four making $30,000 a year, it is still legal for you to give a check for $1 billion to the political party of your choice. If you are a small business person or a farmer grossing $100,000 a year, it is still perfectly legal for you to give $1 billion in soft money donations to the political party of your choice. If you are a retiree on fixed income watching your pennies every month, it is still completely legal for you to give $1 billion to the political party of your choice.

Why is it still legal? Because of inaction in this session of Congress by the Republican leadership in this House. It is wrong, Mr. Speaker. It needs to change. We need to do something about campaign finance reform next session.

OBEY EXISTING CAMPAIGN FINANCE LAWS

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

Mr. HAYWORTH. I listened with great interest, Mr. Speaker, to my colleague and friend from Arkansas, and again I would simply say to my friend, so passionate today about reforming campaigns, that first things should come first, and it is to obey existing law. Because, you see, Mr. Speaker, it is already illegal for noncitizens to come into this country and try to buy influence in our political parties, and it is already illegal for Federal office holders to use their offices, including those at the White House, to solicit donations.

You see, friends, it is really simple: If people would obey existing law, much more would be done, much more would be achieved. So even as we join in this call for meaningful campaign finance reform, let it not be lost upon this House or upon the American people that the first act of business should be to obey existing law.

ALL TALK AND NO ACTION ON CAMPAIGN FINANCE REFORM

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

Mr. DOGGETT. Mr. Speaker, how strange that so many Republicans disagree with my friend from Arizona. They are convening a press conference right now to propose their campaign finance reforms. And is it not strange that they decided to propose them as this Congress adjourns? Because they reject the hopes of the American people that we might have reform in time for the next elections.

They do not want reform, they want the same sorry system that we have right now, the same sorry system that allowed them to dump in $1 million of attack ads in a single election in Staten Island earlier this month; $1 million, in addition to all the resources the Republican candidate had, the same Republican Party that was happy to accept $1.8 million from a single family for various Republican front organizations last year.

It is outrageous that we have a campaign finance system that allows big money special interests to maintain a stranglehold on this Congress, and these Republicans will not do a thing about it. They promised to bring up campaign finance reform this fall, and they broke that promise to the American people. They are adjourning today, adjourning the hopes of the American people for reform.

TAXES STILL TOO HIGH

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

Mr. CHABOT. Mr. Speaker, this Congress has worked hard to balance the budget, reduce taxes on American families, and we passed the first balanced budget since 1969. We gave American families their first tax cut in 16 years. But while we have made some progress, let us face it, taxes are still too high, and the Federal Government still spends too much.

This past weekend my legislative director Kevin Fitzpatrick and his wife Pam became the proud parents of a new baby girl, Elizabeth Ann Fitzpatrick. I have been honored to be asked to be the child's godfather. I am really proud of that. I know Elizabeth is very happy to be the newest member of the Fitzpatrick family, joining brother Spike and sister Katie. But when she learns over her lifetime she is going to have to pay almost $200,000 in taxes just to pay the interest on our national debt, then she is going to be justifiably upset.

Mr. Speaker, children like Elizabeth should not be faced with this burdensome debt from the day they are born. Now that we are close to balancing the budget, this Congress should work to reduce our national debt so little kids like Elizabeth are not going to have to pay these huge amounts in taxes over their lifetime. Let's reduce taxes on our people.

STAY AND FINISH WORK

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

Ms. DELAURO. Mr. Speaker, Democrats have spent the past 11 months fighting for legislation that would help America's working families. Democrats have worked to improve America's public schools while Republicans tried to pass a voucher program, a proposal that would siphon off taxpayer dollars, hard-earned taxpayer dollars, to fund an experiment to take kids out of public education and fund private education in this country.

Democrats have fought to reform America's political system, while Republicans have refused to even debate campaign finance reform. They do not want to reform the system, they want to talk about it.

Democrats have demanded an end to the Dornan-Sanchez investigation, while Republicans have prolonged this taxpayer-funded political witch hunt.

Now the Republicans want to pack their bags, head home, but important work is left to be done in this Congress: education reform; IRS reform, which is stuck in the other body because the Republicans do not want to move it; campaign finance reform. We should not leave until our work is complete.

EXCUSES FOR BREAKING THE LAW

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

Mr. PITTS. Mr. Speaker, here is a big surprise: The wife of John Huang has joined the growing legions of people under investigation for campaign finance lawbreaking who have either fled the country, taken the fifth amendment, or otherwise come up with amnesia about raising money from foreign citizens.

This is not big news to most of the major media, of course. After all, it appears that most of the time all they do is read their nightly newscast straight off DNC press releases. In fact, I have a hard time telling the difference between liberal reporting on the campaign finance hearings and what the expert ''spinmeisters'' at the White House are saying.

We have heard some great excuses, from ''everybody does it,'' to ''we had to cheat. Otherwise, Republicans would have won.'' Maybe some of the best excuses are these two: ''Sure, I broke the law, but it is the system's fault, and we need to reform it.'' Then there is this one: ''I don't care if they broke the law. The Republicans are on a witch hunt.''

Right. I wonder if the reforms the other side has in mind will continue to consider taking foreign money as a crime.

DEFINING VOTE ON EDUCATION

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

Mr. ETHERIDGE. Mr. Speaker, last week this House took a defining vote for public schools in this country. By a vote of 228 to 191, we defeated a risky voucher scheme to take tax money out of our public schools to finance private schools. I am pleased my colleagues took this stand in defense of our school children and our Nation's public schools. Taking tax money out of our public schools and giving it to private schools and turning our backs on our public schools is wrong.

I call on my colleagues to defend, protect and strengthen our public schools. As a cochair of the Education Task Force, I know what we must do to strengthen education for all of our children. We must help set high standards of excellence in education. We must empower teachers, parents, and students to achieve these high standards. We must rebuild crumbling schools and build new schools to relieve overcrowding. We must strengthen professional development for our teachers. We must get back to the basics in core subject areas, and we must encourage character education and ensure that every child can attend a school that is safe from violence and free of drugs.

This House did the right thing in defeating vouchers, and now we must move forward to strengthen our public schools for every child in America.

BIPARTISAN SPIRIT GOOD FOR AMERICA

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

Mr. EWING. Mr. Speaker, this congressional session conclusion reminds me of the wonderful changing seasons on the Illinois prairie. Each year we are amazed by the God-given change in seasons, which works so well and even survives the most intense of storms to work together for the benefit of all of us here on Earth. When this Congress works together, it is like nature in harmony. We achieve much.

While much was done in this first year of the 105th Congress, let us pledge to come back and complete the unfinished work which we will address in the next year. Let us cut down a little bit on the harsh rhetoric and the stringent remarks. Let us just work together. It is good for all of us.

MEDICAID ATTENDANT COMMUNITY SERVICES ACT

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to declare my enthusiastic support for H.R. 2020, the Medicaid Attendant Community Services Act. This bill is of vital importance, because in all of our districts and throughout America, there are hundreds and thousands of people who have been taken from their families, stripped of their assets, and deprived of their basic human rights because they have disabilities or chronic health conditions. Our current system of disbursing Medicaid funds encourages and rewards this injustice.

I recently met with a group of my constituents with disabilities that are physically challenged. Many had lived in nursing homes, not because they had wanted to, but because our system gave them no other choice. They simply want to live independently. H.R. 2020 will give them the opportunity to do just that.

OUTRAGE OVER CRITICISM OF MARINE CORPS

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

Mr. SOLOMON. Mr. Speaker, I rise in outrage. I may not be able to finish this 1-minute, but I am reading an article in this morning's paper which says ''Top Army Woman Calls Marine Corps 'Extremist.'''

''Sara Lister, the Army's top personnel official, in a public forum called the Marines 'extremists' and 'a little dangerous.'''

''Mrs. Lister, the Assistant Secretary of the Army for Manpower and Reserve Affairs, also belittled the Marine Corps uniform.''

Mrs. Lister told an October 26 seminar, ''The Marines are extremists. Wherever you have extremists, you get some risk of total disconnection with society, and that is a little dangerous.''

Mr. Speaker, let me just try to settle down here for a minute and just quote Gen. Charles Krulak, the Commandant of the Marine Corps, when he said in responding to this article, ''Such a depiction would summarily dismiss 222 years of sacrifice and dedication to the Nation. It would dishonor the hundreds of thousands of Marines whose blood has been shed in the name of freedom. Citizens from all walks of life have donned the Marine Corps uniform and gone to war to defend this Nation, never to return. Honor, courage, and commitment are not extreme.''

Mr. Speaker, this is the most outrageous thing I have ever heard. Later today I will be introducing a resolution which will come to this floor calling for this person's resignation on behalf of all marines.

MANAGED CARE REFORM NEEDED

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

Mr. GREEN. Mr. Speaker, as we end this session of Congress, we need to celebrate our successes, but also recognize our failures.

Many Americans are concerned about the status of their health care. They worry that in an emergency their managed care provider will not pay for the needed services. If a person has chest pains, how do they know it is indigestion instead of a heart attack? And yet, managed care may not pay for it. People are worried that nonmedical professionals are making their medical decisions instead of their doctors.

Congress should have passed a managed care reform bill that protects patients and still keeps costs low. We need to ensure that all managed care patients are covered by consumer protections and have greater choice in deciding the type of health care they receive.

If we truly believe in consumer choice, we must give workers more than the one option that their employers provide them, including greater access to specialists.

Mr. Speaker, Americans are beginning to believe they are being herded through our health care system, and they are starting to lose trust in it. We should pass legislation next year that provides needed consumer protections for health care. We should have passed it in 1997, but maybe we will do a better job next year.

U.S. MARINES, ANYTHING BUT EXTREMISTS

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

Mr. GILCHREST. Mr. Speaker, I too would like to take a minute to address the House on the words of Sara Lister, the top personnel officer at the Pentagon for the U.S. Army, in her remarks about naming Marines as ''extremists.''

What I would like to say is that I am a former Marine. I enlisted when I was 18 years old because I wanted to see the world. The people that I met throughout the 4 years I served in the Marine Corps in the middle 1960's were anything but extremists. For the most part, they were gentle, young kids, who wanted to find adventure, wanted to serve their country, wanted to do something. They were curious about the world.

As they went through their service in the Marine Corps, they raised money for toys for poor children. In combat, they put their life at risk delivering babies. They found lepers in the jungles, and they dealt with the strange disease.

Mr. Speaker, the Marine Corps is made up of individuals who are like every average American.

D.C. APPROPRIATIONS BILL NOT PERFECT

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

Ms. NORTON. Mr. Speaker, last night's happy passage of the D.C. appropriation was marred for me and many who had helped me by the omission of relief for Haitians from an attachment to my appropriation.

□ 1030

Frankly, it looked awful. Whatever the intent, we are left with black immigrants out and other similarly situated immigrants in.

I am prepared to believe that discrimination was not intended if we quickly make good on the promise to correct this exclusion. The administration promises to use its prosecutorial authority to keep Haitians from being deported while Congress is out.

What will we do when Congress comes back? The very first week we must make good on the promise that emerged from the immigration negotiations. The leadership should come from the Hispanic caucus, where relief was most keenly felt, and from the Black caucus. But the burden is on this entire body. Discrimination or the appearance of discrimination has no place in a great legislative body. Early action to obtain equal treatment for Haitian immigrants is the way to show it.

TIME TO FOLLOW EXISTING CAMPAIGN FINANCE LAWS

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

Ms. ROS-LEHTINEN. Mr. Speaker, it is time for a little history lesson. This lesson is both for my liberal friends on the other side of the aisle, as well as for my unbiased, fair-minded friends in the media who are so enamored of campaign finance reform.

Every single day I see a story on the news about how we need campaign finance reform, an almost identical tale to that which is heard in this very body from the other side of the aisle.

It is obvious that our supporters of reform forget that all of the scandals of political corruption in 1974 resulted in precisely the campaign reforms that exist today, the same laws that these same reformers now want to change.

My guess is that the main problem is not that the law needs to be changed, but that we need to follow the law. Now, there is a radical idea. Imagine if the other side actually followed the law, abided by the contribution limits, and disclosed their fund-raising practices instead of having to give back millions of dollars after they have won the election.

But liberals never learn from history, and the very same reforms of today will be replaced by equally useless reforms in the face of lawbreakers tomorrow.

CAMPAIGN FINANCE REFORM

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

Mr. BALDACCI. Mr. Speaker, while we have had many accomplishments on health care, on education, on small business and individual tax credits, we still have one of our accomplishments yet to come and that is with campaign finance reform.

In the last Congress we had 32 Members who signed a discharge petition that would have forced the issue to be addressed on the House floor. In this Congress, we are making progress. There are 187 Members that have signed this discharge petition. This is very important if we are going to regain the trust of the American people in their political process. It has to be done for the public interest and not special private interest.

Also, in Maine we began the Maine Code of Ethics. The code of ethics was signed by candidates of both parties running for office to adhere to principles that they would be discussing the issues, to be engaging the public and not to be turning the public off.

While we are reforming the process with campaign finance reform, we must also remember the product of those campaigns and also reform the product. So along with the process, we have product.

SWIFT PUNISHMENT FOR TERRORISTS IN PAKISTAN

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

Mr. BRADY. Mr. Speaker, as my colleagues know, a terrible tragedy occurred on Tuesday in Karachi, Pakistan. A car containing four Americans from Houston, TX, and their driver was ambushed. Reportedly, a car came up from behind the vehicle in which the employees of Union Texas Petroleum were riding, fired upon the car and forced it off the road. At that point the gunmen calmly fired more than a dozen bullets through the car's windshield, killing everyone instantaneously.

This terrorist attack is an absolute outrage, and while the investigation has just begun, it is widely believed that this is in response to Monday's conviction here in America of the Mir Aimal Kasi in United States court for the 1993 shooting of two of our CIA agents in Virginia. America's justice in no way should justify this behavior in Pakistan, and unfortunately this is not the first terrorist attack on Americans in that country.

Our thoughts and our prayers go to the families of this attack. They were good people who did not deserve to die, and they will be sorely missed.

Mr. Speaker, the greatest tribute America can pay them is to find and punish those who were responsible for this attack, and do the greatest we can do to protect the lives of other innocent Americans abroad.

MAKING 1998 THE YEAR OF THE CHILD

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

Mr. MCGOVERN. Mr. Speaker, today Congress is scheduled to adjourn for 1997. It is a good day to assess what we have done this year for American children and what issues we need to pursue more vigorously next year.

This year, Democrats succeeded in forcing the Republican majority to provide $24 billion in health care for uninsured children. We fought to protect public education from the majority's radical voucher experiments and anti-education block grants. My colleagues, the gentlewoman from Connecticut [Ms. DELAURO], the gentleman from Maryland [Mr. HOYER], the gentlewoman from Maryland [Mrs. MORELLA] and I succeeded in crafting legislation that gives our children the support they need during their first 3 years of life to grow up healthy and develop to their fullest potential.

But there is so much more that needs to be done. I have urged the President to make early childhood development issues the centerpiece of his State of the Union address next year. I urge my colleagues from both sides of the aisle to join Representatives DELAURO, HOYER, MORELLA and me in sending the President legislation early next year that gives our kids access to affordable, high-quality child care and early education programs. Let us agree today to make 1998 ''The Year of the Child.''

COFFEE MAY CAUSE CURIOUS BEHAVIOR

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

Mr. GUTKNECHT. Mr. Speaker, a lot of our friends on the left today and in the past several weeks have been talking about campaign finance reform. I wonder if any of them sees the great irony in the administration's sense of curiosity.

On the one hand, White House political operatives seem to have such an extraordinarily developed sense of curiosity that they miraculously ended up with 900 confidential FBI files on their political enemies. But on the other hand, the White House seems to have little curiosity about the possibility that John Huang might have seriously compromised national security while working for the Commerce Department in his capacity, apparently, as foreign fundraiser-in-chief.

What is even more remarkable that every single Democratic Senator, with

one exception, investigating some of these events seems to have a lack of curiosity about exactly how much money the liberal group was able to funnel into the 1996 Presidential campaign.

Maybe all of this curiosity is entwined with some of these folks having attended some of these White House coffees. Maybe there is something in the coffee that makes them curious on the one hand, but then lose their curiosity on something else, and maybe that is something that should be investigated as well.

TRIBUTE TO REV. DR. JOSEPH LOWERY

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

Ms. MCKINNEY. Mr. Speaker, I rise today to honor Rev. Dr. Joseph Lowery, who will retire in January on the anniversary of Martin Luther King Jr.'s birthday.

For over 30 years Dr. Lowery's was the voice of equality, reason and self-reliance both in this country and abroad. Dr. Lowery is best known for his leadership of SCLC, which he co-founded with Rev. Martin Luther King Jr., in 1957. Since then his life and his career have become synonymous with justice, equality, and human rights.

From the early days of the civil rights movement in Mobile, AL, to the founding of the SCLC in 1957, to the extension of the Voting Rights Act in 1982, and on to the fight against apartheid in South Africa, Dr. Lowery's views, voice, and vision have guided two generations of civil rights activism. Even in his retirement, Dr. Lowery will continue to guide and inspire us in our fight for equality, justice, and human dignity for many years to come.

Reverend Lowery, Mrs. Lowery, I wish you the best in your retirement.

SEND IN THE MARINES

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

Mr. KINGSTON. Mr. Speaker, at first the Democrat leader, TOM DASCHLE, said he knew of no Americans who were overtaxed, and then the President of the United States, Bill Clinton, said he thought the people of Virginia were selfish for wanting to keep more of their own money rather than send it to expert Washington bureaucrats.

But now a top Democrat woman in the Pentagon says that the U.S. Marines are extremists. Now, think about this. Monday was the Marine Corps birthday, a great, proud, fighting outfit that has been in the battles and the wars fought for our freedom throughout the history of America, and yet here is what Democrat Sara Lister says: ''The Marines are extremists. Whenever you have extremists, you have some risk that a total disconnection with society will take place, and that is very dangerous.''

Well, I will say this to Ms. Lister. Although I do not know you and I was not a Marine, I would ask you this. Have you ever dug in a foxhole? Have you ever had dirt in your face? Have you ever had the blood splattered on your uniform of a buddy as he or she lies dying, and did that blood splatter make a permanent star on your emotions?

I say, Mr. Speaker, send in the Marines; send out Sara Lister. Let us have her resignation today.

IRS REFORM

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

Mr. GRAHAM. Mr. Speaker, Americans who take an increasingly cynical view of politics and politicians often claim that politicians are all the same, and those who do not vote justify their passivity by saying it does not matter. Half the people in America who are eligible to vote choose not to, and there is something that we need to address.

There is an issue on the radar screen of most Americans called reforming the IRS. Hopefully we can convince folks that we are serious about changing Washington.

The Democratic Party had Washington for 40 years and there has been no major effort during that period of time to change the way we tax the American people and the way the IRS works. We have been in town for 3 years, and there are major overhauls of the IRS looming and some have come to fruition, with the help from the Democratic Party, which convinces me if we pick the right issue and drive it hard, people will come our way. Now the IRS has to prove that one has done something wrong; one does not have to prove oneself innocent.

I would ask every taxpayer in this country to watch this debate, closely follow who is leading it, and I can promise that the Republican Party is going to take our hopes and dreams for a new Tax Code for a new century and we are going to boldly go forward, and I hope our colleagues in the Democratic Party will join us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken later in the day.

ADOPTION AND SAFE FAMILIES ACT OF 1997

Mr. SHAW. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 327), providing for the consideration of the bill H.R. 867 and the Senate amendment thereto.

The Clerk read as follows:

H. RES. 327

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 867 and an amendment of the Senate thereto and to have concurred in the amendment of the Senate with an amendment as follows: in lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Adoption and Safe Families Act of 1997''.

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

Sec. 1. Short title; table of contents.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

Sec. 101. Clarification of the reasonable efforts requirement.
Sec. 102. Including safety in case plan and case review system requirements.
Sec. 103. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.
Sec. 104. Notice of reviews and hearings; opportunity to be heard.
Sec. 105. Use of the Federal Parent Locator Service for child welfare services.
Sec. 106. Criminal records checks for prospective foster and adoptive parents.
Sec. 107. Documentation of efforts for adoption or location of a permanent home.

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

Sec. 201. Adoption incentive payments.
Sec. 202. Adoptions across State and county jurisdictions.
Sec. 203. Performance of States in protecting children.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

Sec. 301. Authority to approve more child protection demonstration projects.
Sec. 302. Permanency hearings.
Sec. 303. Kinship care.
Sec. 304. Clarification of eligible population for independent living services.
Sec. 305. Reauthorization and expansion of family preservation and support services.
Sec. 306. Health insurance coverage for children with special needs.
Sec. 307. Continuation of eligibility for adoption assistance payments on behalf of children with special needs whose initial adoption has been dissolved.
Sec. 308. State standards to ensure quality services for children in foster care.

TITLE IV—MISCELLANEOUS

Sec. 401. Preservation of reasonable parenting.
Sec. 402. Reporting requirements.
Sec. 403. Sense of Congress regarding standby guardianship.
Sec. 404. Temporary adjustment of Contingency Fund for State Welfare Programs.

Sec. 405. Coordination of substance abuse and child protection services.
Sec. 406. Purchase of American-made equipment and products.
TITLE V—EFFECTIVE DATE
Sec. 501. Effective date.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

SEC. 101. CLARIFICATION OF THE REASONABLE EFFORTS REQUIREMENT.

(a) IN GENERAL.—Section 471(a)(15) of the Social Security Act (42 U.S.C. 671(a)(15)) is amended to read as follows:

''(15) provides that—

''(A) in determining reasonable efforts to be made with respect to a child, as described in this paragraph, and in making such reasonable efforts, the child's health and safety shall be the paramount concern;

''(B) except as provided in subparagraph (D), reasonable efforts shall be made to preserve and reunify families—

''(i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and

''(ii) to make it possible for a child to safely return to the child's home;

''(C) if continuation of reasonable efforts of the type described in subparagraph (B) is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child;

''(D) reasonable efforts of the type described in subparagraph (B) shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction has determined that—

''(i) the parent has subjected the child to aggravated circumstances (as defined in State law, which definition may include but need not be limited to abandonment, torture, chronic abuse, and sexual abuse);

''(ii) the parent has—

''(I) committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

''(II) committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

''(III) aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter; or

''(IV) committed a felony assault that results in serious bodily injury to the child or another child of the parent; or

''(iii) the parental rights of the parent to a sibling have been terminated involuntarily;

''(E) if reasonable efforts of the type described in subparagraph (B) are not made with respect to a child as a result of a determination made by a court of competent jurisdiction in accordance with subparagraph (D)—

''(i) a permanency hearing (as described in section 475(5)(C)) shall be held for the child within 30 days after the determination; and

''(ii) reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child; and

''(F) reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts of the type described in subparagraph (B);''.

(b) DEFINITION OF LEGAL GUARDIANSHIP.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

''(7) The term 'legal guardianship' means a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making. The term 'legal guardian' means the caretaker in such a relationship.''.

(c) CONFORMING AMENDMENT.—Section 472(a)(1) of such Act (42 U.S.C. 672(a)(1)) is amended by inserting ''for a child'' before ''have been made''.

(d) RULE OF CONSTRUCTION.—Part E of title IV of such Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

''SEC. 478. RULE OF CONSTRUCTION.

''Nothing in this part shall be construed as precluding State courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in section 471(a)(15)(D).''.

SEC. 102. INCLUDING SAFETY IN CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.

Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 422(b)(10)(B)—

(A) in clause (iii)(I), by inserting ''safe and'' after ''where''; and

(B) in clause (iv), by inserting ''safely'' after ''remain''; and

(2) in section 475—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''safety and'' after ''discussion of the''; and

(ii) in subparagraph (B)—

(I) by inserting ''safe and'' after ''child receives''; and

(II) by inserting ''safe'' after ''return of the child to his own''; and

(B) in paragraph (5)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting ''a safe setting that is'' after ''placement in''; and

(ii) in subparagraph (B)—

(I) by inserting ''the safety of the child,'' after ''determine''; and

(II) by inserting ''and safely maintained in'' after ''returned to''.

SEC. 103. STATES REQUIRED TO INITIATE OR JOIN PROCEEDINGS TO TERMINATE PARENTAL RIGHTS FOR CERTAIN CHILDREN IN FOSTER CARE.

(a) REQUIREMENT FOR PROCEEDINGS.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)) is amended—

(1) by striking ''and'' at the end of subparagraph (C);

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

(3) by adding at the end the following:

''(E) in the case of a child who has been in foster care under the responsibility of the State for 15 of the most recent 22 months, or, if a court of competent jurisdiction has determined a child to be an abandoned infant (as defined under State law) or has made a determination that the parent has committed murder of another child of the parent, committed voluntary manslaughter of another child of the parent, aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter, or committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, unless—

''(i) at the option of the State, the child is being cared for by a relative;

''(ii) a State agency has documented in the case plan (which shall be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the child; or

''(iii) the State has not provided to the family of the child, consistent with the time period in the State case plan, such services as the State deems necessary for the safe return of the child to the child's home, if reasonable efforts of the type described in section 471(a)(15)(B)(ii) are required to be made with respect to the child.''.

(b) DETERMINATION OF BEGINNING OF FOSTER CARE.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by subsection (a), is amended—

(1) by striking ''and'' at the end of subparagraph (D);

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

(3) by adding at the end the following:

''(F) a child shall be considered to have entered foster care on the earlier of—

''(i) the date of the first judicial finding that the child has been subjected to child abuse or neglect; or

''(ii) the date that is 60 days after the date on which the child is removed from the home.''.

(c) TRANSITION RULES.—

(1) NEW FOSTER CHILDREN.—In the case of a child who enters foster care (within the meaning of section 475(5)(F) of the Social Security Act) under the responsibility of a State after the date of the enactment of this Act—

(A) if the State comes into compliance with the amendments made by subsection (a) of this section before the child has been in such foster care for 15 of the most recent 22 months, the State shall comply with section 475(5)(E) of the Social Security Act with respect to the child when the child has been in such foster care for 15 of the most recent 22 months; and

(B) if the State comes into such compliance after the child has been in such foster care for 15 of the most recent 22 months, the State shall comply with such section 475(5)(E) with respect to the child not later than 3 months after the end of the first regular session of the State legislature that begins after such date of enactment.

(2) CURRENT FOSTER CHILDREN.—In the case of children in foster care under the responsibility of the State on the date of the enactment of this Act, the State shall—

(A) not later than 6 months after the end of the first regular session of the State legislature that begins after such date of enactment, comply with section 475(5)(E) of the Social Security Act with respect to not less than ⅓ of such children as the State shall select, giving priority to children for whom the permanency plan (within the meaning of part E of title IV of the Social Security Act) is adoption and children who have been in foster care for the greatest length of time;

(B) not later than 12 months after the end of such first regular session, comply with such section 475(5)(E) with respect to not less than ⅔ of such children as the State shall select; and

(C) not later than 18 months after the end of such first regular session, comply with such section 475(5)(E) with respect to all of such children.

(3) TREATMENT OF 2-YEAR LEGISLATIVE SESSIONS.—For purposes of this subsection, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(4) REQUIREMENTS TREATED AS STATE PLAN REQUIREMENTS.—For purposes of part E of

title IV of the Social Security Act, the requirements of this subsection shall be treated as State plan requirements imposed by section 471(a) of such Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section or in part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), as amended by this Act, shall be construed as precluding State courts or State agencies from initiating the termination of parental rights for reasons other than, or for timelines earlier than, those specified in part E of title IV of such Act, when such actions are determined to be in the best interests of the child, including cases where the child has experienced multiple foster care placements of varying durations.

SEC. 104. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY TO BE HEARD.

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by section 103, is amended—

(1) by striking ''and'' at the end of subparagraph (E);

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

(3) by adding at the end the following:

''(G) the foster parents (if any) of a child and any preadoptive parent or relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to such a review or hearing solely on the basis of such notice and opportunity to be heard.''.

SEC. 105. USE OF THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE SERVICES.

Section 453 of the Social Security Act (42 U.S.C. 653) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by inserting ''or making or enforcing child custody or visitation orders,'' after ''obligations,''; and

(B) in subparagraph (A)—

(i) by striking ''or'' at the end of clause (ii);

(ii) by striking the comma at the end of clause (iii) and inserting ''; or''; and

(iii) by inserting after clause (iii) the following:

''(iv) who has or may have parental rights with respect to a child,''; and

(2) in subsection (c)—

(A) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(B) by adding at the end the following:

''(4) a State agency that is administering a program operated under a State plan under subpart 1 of part B, or a State plan approved under subpart 2 of part B or under part E.''.

SEC. 106. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking ''and'' at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting ''; and''; and

(3) by adding at the end the following:

''(20)(A) unless an election provided for in subparagraph (B) is made with respect to the State, provides procedures for criminal records checks for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

''(i) in any case in which a record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, if a State finds that a court of competent jurisdiction has determined that the felony was committed at any time, such final approval shall not be granted; and

''(ii) in any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if a State finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years, such final approval shall not be granted; and

''(B) subparagraph (A) shall not apply to a State plan if the Governor of the State has notified the Secretary in writing that the State has elected to make subparagraph (A) inapplicable to the State, or if the State legislature, by law, has elected to make subparagraph (A) inapplicable to the State.''.

SEC. 107. DOCUMENTATION OF EFFORTS FOR ADOPTION OR LOCATION OF A PERMANENT HOME.

Section 475(1) of the Social Security Act (42 U.S.C. 675(1)) is amended—

(1) in the last sentence—

(A) by striking ''the case plan must also include''; and

(B) by redesignating such sentence as subparagraph (D) and indenting appropriately; and

(2) by adding at the end the following:

''(E) In the case of a child with respect to whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems.''.

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

SEC. 201. ADOPTION INCENTIVE PAYMENTS.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 473 the following:

''SEC. 473A. ADOPTION INCENTIVE PAYMENTS.

''(a) GRANT AUTHORITY.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts for this purpose, the Secretary shall make a grant to each State that is an incentive-eligible State for a fiscal year in an amount equal to the adoption incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

''(b) INCENTIVE-ELIGIBLE STATE.—A State is an incentive-eligible State for a fiscal year if—

''(1) the State has a plan approved under this part for the fiscal year;

''(2) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;

''(3) the State is in compliance with subsection (c) for the fiscal year;

''(4) in the case of fiscal years 2001 and 2002, the State provides health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents; and

''(5) the fiscal year is any of fiscal years 1998 through 2002.

''(c) DATA REQUIREMENTS.—

''(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2)—

''(A) for fiscal years 1995 through 1997 (or, if the 1st fiscal year for which the State seeks a grant under this section is after fiscal year 1998, the fiscal year that precedes such 1st fiscal year); and

''(B) for each succeeding fiscal year that precedes the fiscal year.

''(2) DETERMINATION OF NUMBERS OF ADOPTIONS.—

''(A) DETERMINATIONS BASED ON AFCARS DATA.—Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1995 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State and approved by the Secretary by August 1 of the succeeding fiscal year.

''(B) ALTERNATIVE DATA SOURCES PERMITTED FOR FISCAL YEARS 1995 THROUGH 1997.—For purposes of the determination described in subparagraph (A) for fiscal years 1995 through 1997, the Secretary may use data from a source or sources other than that specified in subparagraph (A) that the Secretary finds to be of equivalent completeness and reliability, as reported by a State by November 30, 1997, and approved by the Secretary by March 1, 1998.

''(3) NO WAIVER OF AFCARS REQUIREMENTS.—This section shall not be construed to alter or affect any requirement of section 479 or of any regulation prescribed under such section with respect to reporting of data by States, or to waive any penalty for failure to comply with such a requirement.

''(d) ADOPTION INCENTIVE PAYMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the adoption incentive payment payable to a State for a fiscal year under this section shall be equal to the sum of—

''(A) $4,000, multiplied by the amount (if any) by which the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; and

''(B) $2,000, multiplied by the amount (if any) by which the number of special needs adoptions in the State during the fiscal year exceeds the base number of special needs adoptions for the State for the fiscal year.

''(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—For any fiscal year, if the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds the amount appropriated pursuant to subsection (h) for the fiscal year, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be—

''(A) the amount of the adoption incentive payment that would otherwise be payable to the State under this section for the fiscal year; multiplied by

''(B) the percentage represented by the amount so appropriated for the fiscal year, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.

''(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the succeeding fiscal year.

''(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may

be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

''(g) DEFINITIONS.—As used in this section:

''(1) FOSTER CHILD ADOPTION.—The term 'foster child adoption' means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.

''(2) SPECIAL NEEDS ADOPTION.—The term 'special needs adoption' means the final adoption of a child for whom an adoption assistance agreement is in effect under section 473.

''(3) BASE NUMBER OF FOSTER CHILD ADOPTIONS.—The term 'base number of foster child adoptions for a State' means—

''(A) with respect to fiscal year 1998, the average number of foster child adoptions in the State in fiscal years 1995, 1996, and 1997; and

''(B) with respect to any subsequent fiscal year, the number of foster child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.

''(4) BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.—The term 'base number of special needs adoptions for a State' means—

''(A) with respect to fiscal year 1998, the average number of special needs adoptions in the State in fiscal years 1995, 1996, and 1997; and

''(B) with respect to any subsequent fiscal year, the number of special needs adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.

''(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For grants under subsection (a), there are authorized to be appropriated to the Secretary $20,000,000 for each of fiscal years 1999 through 2003.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended, but not after fiscal year 2003.

''(i) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may, directly or through grants or contracts, provide technical assistance to assist States and local communities to reach their targets for increased numbers of adoptions and, to the extent that adoption is not possible, alternative permanent placements, for children in foster care.

''(2) DESCRIPTION OF THE CHARACTER OF THE TECHNICAL ASSISTANCE.—The technical assistance provided under paragraph (1) may support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and may include the following:

''(A) The development of best practice guidelines for expediting termination of parental rights.

''(B) Models to encourage the use of concurrent planning.

''(C) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

''(D) The development of risk assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

''(E) Models to encourage the fast tracking of children who have not attained 1 year of age into pre-adoptive placements.

''(F) Development of programs that place children into pre-adoptive families without waiting for termination of parental rights.

''(3) TARGETING OF TECHNICAL ASSISTANCE TO THE COURTS.—Not less than 50 percent of any amount appropriated pursuant to paragraph (4) shall be used to provide technical assistance to the courts.

''(4) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary of Health and Human Services not to exceed $10,000,000 for each of fiscal years 1998 through 2000.''.

(b) DISCRETIONARY CAP ADJUSTMENT FOR ADOPTION INCENTIVE PAYMENTS.—

(1) SECTION 251 AMENDMENT.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)), as amended by section 10203(a)(4) of the Balanced Budget Act of 1997, is amended by adding at the end the following new subparagraph:

''(G) ADOPTION INCENTIVE PAYMENTS.—Whenever a bill or joint resolution making appropriations for fiscal year 1999, 2000, 2001, 2002, or 2003 is enacted that specifies an amount for adoption incentive payments pursuant to this part for the Department of Health and Human Services—

''(i) the adjustments for new budget authority shall be the amounts of new budget authority provided in that measure for adoption incentive payments, but not to exceed $20,000,000; and

''(ii) the adjustment for outlays shall be the additional outlays flowing from such amount.''.

(2) SECTION 314 AMENDMENT.—Section 314(b) of the Congressional Budget Act of 1974, as amended by section 10114(a) of the Balanced Budget Act of 1997, is amended—

(A) by striking ''or'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; or''; and

(C) by adding at the end the following:

''(6) in the case of an amount for adoption incentive payments (as defined in section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985) for fiscal year 1999, 2000, 2001, 2002, or 2003 for the Department of Health and Human Services, an amount not to exceed $20,000,000.''.

SEC. 202. ADOPTIONS ACROSS STATE AND COUNTY JURISDICTIONS.

(a) STATE PLAN FOR CHILD WELFARE SERVICES REQUIREMENT.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(12) contain assurances that the State shall develop plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.''.

(b) CONDITION OF ASSISTANCE.—Section 474 of such Act (42 U.S.C. 674) is amended by adding at the end the following:

''(e) Notwithstanding subsection (a), a State shall not be eligible for any payment under this section if the Secretary finds that, after the date of the enactment of this subsection, the State has—

''(1) denied or delayed the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or

''(2) failed to grant an opportunity for a fair hearing, as described in section 471(a)(12), to an individual whose allegation of a violation of paragraph (1) of this subsection is denied by the State or not acted upon by the State with reasonable promptness.''.

(c) STUDY OF INTERJURISDICTIONAL ADOPTION ISSUES.—

(1) IN GENERAL.—The Comptroller General of the United States shall—

(A) study and consider how to improve procedures and policies to facilitate the timely and permanent adoptions of children across State and county jurisdictions; and

(B) examine, at a minimum, interjurisdictional adoption issues—

(i) concerning the recruitment of prospective adoptive families from other States and counties;

(ii) concerning the procedures to grant reciprocity to prospective adoptive family home studies from other States and counties;

(iii) arising from a review of the comity and full faith and credit provided to adoption decrees and termination of parental rights orders from other States; and

(iv) concerning the procedures related to the administration and implementation of the Interstate Compact on the Placement of Children.

(2) REPORT TO THE CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of the Congress a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) recommendations on how to improve procedures to facilitate the interjurisdictional adoption of children, including interstate and intercounty adoptions, so that children will be assured timely and permanent placements.

SEC. 203. PERFORMANCE OF STATES IN PROTECTING CHILDREN.

(a) ANNUAL REPORT ON STATE PERFORMANCE.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

''SEC. 479A. ANNUAL REPORT.

''The Secretary, in consultation with Governors, State legislatures, State and local public officials responsible for administering child welfare programs, and child welfare advocates, shall—

''(1) develop a set of outcome measures (including length of stay in foster care, number of foster care placements, and number of adoptions) that can be used to assess the performance of States in operating child protection and child welfare programs pursuant to parts B and E to ensure the safety of children;

''(2) to the maximum extent possible, the outcome measures should be developed from data available from the Adoption and Foster Care Analysis and Reporting System;

''(3) develop a system for rating the performance of States with respect to the outcome measures, and provide to the States an explanation of the rating system and how scores are determined under the rating system;

''(4) prescribe such regulations as may be necessary to ensure that States provide to the Secretary the data necessary to determine State performance with respect to each outcome measure, as a condition of the State receiving funds under this part; and

''(5) on May 1, 1999, and annually thereafter, prepare and submit to the Congress a report on the performance of each State on each outcome measure, which shall examine the reasons for high performance and low performance and, where possible, make recommendations as to how State performance could be improved.''.

(b) DEVELOPMENT OF PERFORMANCE-BASED INCENTIVE SYSTEM.—The Secretary of Health and Human Services, in consultation with State and local public officials responsible

for administering child welfare programs and child welfare advocates, shall study, develop, and recommend to Congress an incentive system to provide payments under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq., 670 et seq.) to any State based on the State's performance under such a system. Such a system shall, to the extent the Secretary determines feasible and appropriate, be based on the annual report required by section 479A of the Social Security Act (as added by subsection (a) of this section) or on any proposed modifications of the annual report. Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a progress report on the feasibility, timetable, and consultation process for conducting such a study. Not later than 15 months after such date of enactment, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the final report on a performance-based incentive system. The report may include other recommendations for restructuring the program and payments under parts B and E of title IV of the Social Security Act.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

SEC. 301. EXPANSION OF CHILD WELFARE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Section 1130(a) of the Social Security Act (42 U.S.C. 1320a–9) is amended to read as follows:

''(a) AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretary may authorize States to conduct demonstration projects pursuant to this section which the Secretary finds are likely to promote the objectives of part B or E of title IV.

''(2) LIMITATION.—The Secretary may authorize not more than 10 demonstration projects under paragraph (1) in each of fiscal years 1998 through 2002.

''(3) CERTAIN TYPES OF PROPOSALS REQUIRED TO BE CONSIDERED.—

''(A) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address barriers that result in delays to adoptive placements for children in foster care.

''(B) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address parental substance abuse problems that endanger children and result in the placement of children in foster care, including through the placement of children with their parents in residential treatment facilities (including residential treatment facilities for post-partum depression) that are specifically designed to serve parents and children together in order to promote family reunification and that can ensure the health and safety of the children in such placements.

''(C) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to address kinship care.

''(4) LIMITATION ON ELIGIBILITY.—The Secretary may not authorize a State to conduct a demonstration project under this section if the State fails to provide health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents.

''(5) REQUIREMENT TO CONSIDER EFFECT OF PROJECT ON TERMS AND CONDITIONS OF CERTAIN COURT ORDERS.—In considering an application to conduct a demonstration project under this section that has been submitted by a State in which there is in effect a court order determining that the State's child welfare program has failed to comply with the provisions of part B or E of title IV, or with the Constitution of the United States, the Secretary shall take into consideration the effect of approving the proposed project on the terms and conditions of the court order related to the failure to comply.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall be construed as affecting the terms and conditions of any demonstration project approved under section 1130 of the Social Security Act (42 U.S.C. 1320a–9) before the date of the enactment of this Act.

(c) AUTHORITY TO EXTEND DURATION OF DEMONSTRATIONS.—Section 1130(d) of such Act (42 U.S.C. 1320a–9(d)) is amended by inserting '', unless in the judgment of the Secretary, the demonstration project should be allowed to continue'' before the period.

SEC. 302. PERMANENCY HEARINGS.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by striking ''dispositional'' and inserting ''permanency'';

(2) by striking ''eighteen'' and inserting ''12'';

(3) by striking ''original placement'' and inserting ''date the child is considered to have entered foster care (as determined under subparagraph (F))''; and

(4) by striking ''future status of'' and all that follows through ''long term basis)'' and inserting ''permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, placed for adoption and the State will file a petition for termination of parental rights, or referred for legal guardianship, or (in cases where the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement''.

SEC. 303. KINSHIP CARE.

(a) REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall—

(A) not later than June 1, 1998, convene the advisory panel provided for in subsection (b)(1) and prepare and submit to the advisory panel an initial report on the extent to which children in foster care are placed in the care of a relative (in this section referred to as ''kinship care''); and

(B) not later than June 1, 1999, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—

(i) be based on the comments submitted by the advisory panel pursuant to subsection (b)(2) and other information and considerations; and

(ii) include the policy recommendations of the Secretary with respect to the matter.

(2) REQUIRED CONTENTS.—Each report required by paragraph (1) shall—

(A) include, to the extent available for each State, information on—

(i) the policy of the State regarding kinship care;

(ii) the characteristics of the kinship care providers (including age, income, ethnicity, and race, and the relationship of the kinship care providers to the children);

(iii) the characteristics of the household of such providers (such as number of other persons in the household and family composition);

(iv) how much access to the child is afforded to the parent from whom the child has been removed;

(v) the cost of, and source of funds for, kinship care (including any subsidies such as medicaid and cash assistance);

(vi) the permanency plan for the child and the actions being taken by the State to achieve the plan;

(vii) the services being provided to the parent from whom the child has been removed; and

(viii) the services being provided to the kinship care provider; and

(B) specifically note the circumstances or conditions under which children enter kinship care.

(b) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate, shall convene an advisory panel which shall include parents, foster parents, relative caregivers, former foster children, State and local public officials responsible for administering child welfare programs, private persons involved in the delivery of child welfare services, representatives of tribal governments and tribal courts, judges, and academic experts.

(2) DUTIES.—The advisory panel convened pursuant to paragraph (1) shall review the report prepared pursuant to subsection (a), and, not later than October 1, 1998, submit to the Secretary comments on the report.

SEC. 304. CLARIFICATION OF ELIGIBLE POPULATION FOR INDEPENDENT LIVING SERVICES.

Section 477(a)(2)(A) of the Social Security Act (42 U.S.C. 677(a)(2)(A)) is amended by inserting ''(including children with respect to whom such payments are no longer being made because the child has accumulated assets, not to exceed $5,000, which are otherwise regarded as resources for purposes of determining eligibility for benefits under this part)'' before the comma.

SEC. 305. REAUTHORIZATION AND EXPANSION OF FAMILY PRESERVATION AND SUPPORT SERVICES.

(a) REAUTHORIZATION OF FAMILY PRESERVATION AND SUPPORT SERVICES.—

(1) IN GENERAL.—Section 430(b) of the Social Security Act (42 U.S.C. 629(b)) is amended—

(A) in paragraph (4), by striking ''or'' at the end;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(6) for fiscal year 1999, $275,000,000;

''(7) for fiscal year 2000, $295,000,000; and

''(8) for fiscal year 2001, $305,000,000.''.

(2) CONTINUATION OF RESERVATION OF CERTAIN AMOUNTS.—Paragraphs (1) and (2) of section 430(d) of the Social Security Act (42 U.S.C. 629(d)(1) and (2)) are each amended by striking ''and 1998'' and inserting ''1998, 1999, 2000, and 2001''.

(3) CONFORMING AMENDMENTS.—Section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) is amended—

(A) in subsection (c), by striking ''1998'' each place it appears and inserting ''2001''; and

(B) in subsection (d)(2), by striking ''and 1998'' and inserting ''1998, 1999, 2000, and 2001''.

(b) EXPANSION FOR TIME-LIMITED FAMILY REUNIFICATION SERVICES AND ADOPTION PROMOTION AND SUPPORT SERVICES.—

(1) ADDITIONS TO STATE PLAN.—Section 432 of the Social Security Act (42 U.S.C. 629b) is amended—

(A) in subsection (a)—

(i) in paragraph (4), by striking ''and community-based family support services'' and inserting '', community-based family support services, time-limited family reunification services, and adoption promotion and support services,''; and

(ii) in paragraph (5)(A), by striking ''and community-based family support services'' and inserting '', community-based family support services, time-limited family reunification services, and adoption promotion and support services''; and

(B) in subsection (b)(1), by striking ''and family support'' and inserting '', family support, time-limited family reunification, and adoption promotion and support''.

(2) DEFINITIONS OF TIME-LIMITED FAMILY REUNIFICATION SERVICES AND ADOPTION PROMOTION AND SUPPORT SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)) is amended by adding at the end the following:

''(7) TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

''(A) IN GENERAL.—The term 'time-limited family reunification services' means the services and activities described in subparagraph (B) that are provided to a child that is removed from the child's home and placed in a foster family home or a child care institution and to the parents or primary caregiver of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 15-month period that begins on the date that the child, pursuant to section 475(5)(F), is considered to have entered foster care.

''(B) SERVICES AND ACTIVITIES DESCRIBED.—The services and activities described in this subparagraph are the following:

''(i) Individual, group, and family counseling.

''(ii) Inpatient, residential, or outpatient substance abuse treatment services.

''(iii) Mental health services.

''(iv) Assistance to address domestic violence.

''(v) Services designed to provide temporary child care and therapeutic services for families, including crisis nurseries.

''(vi) Transportation to or from any of the services and activities described in this subparagraph.

''(8) ADOPTION PROMOTION AND SUPPORT SERVICES.—The term 'adoption promotion and support services' means services and activities designed to encourage more adoptions out of the foster care system, when adoptions promote the best interests of children, including such activities as pre-and post-adoptive services and activities designed to expedite the adoption process and support adoptive families.''.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) PURPOSES.—Section 430(a) of the Social Security Act (42 U.S.C. 629(a)) is amended by striking ''and community-based family support services'' and inserting '', community-based family support services, time-limited family reunification services, and adoption promotion and support services''.

(B) PROGRAM TITLE.—The heading of subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.) is amended to read as follows:

''Subpart 2—Promoting Safe and Stable Families''.

(c) EMPHASIZING THE SAFETY OF THE CHILD.—

(1) REQUIRING ASSURANCES THAT THE SAFETY OF CHILDREN SHALL BE OF PARAMOUNT CONCERN.—Section 432(a) of the Social Security Act (42 U.S.C. 629b(a)) is amended—

(A) by striking ''and'' at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8); and

(C) by adding at the end the following:

''(9) contains assurances that in administering and conducting service programs under the plan, the safety of the children to be served shall be of paramount concern.''.

(2) DEFINITIONS OF FAMILY PRESERVATION AND FAMILY SUPPORT SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''safe and'' before ''appropriate'' each place it appears; and

(ii) in subparagraph (B), by inserting ''safely'' after ''remain''; and

(B) in paragraph (2)—

(i) by inserting ''safety and'' before ''well-being''; and

(ii) by striking ''stable'' and inserting ''safe, stable,''.

(d) CLARIFICATION OF MAINTENANCE OF EFFORT REQUIREMENT.—

(1) DEFINITION OF NON-FEDERAL FUNDS.—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)), as amended by subsection (b)(2), is amended by adding at the end the following:

''(9) NON-FEDERAL FUNDS.—The term 'non-Federal funds' means State funds, or at the option of a State, State and local funds.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect as if included in the enactment of section 13711 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–33; 107 Stat. 649).

SEC. 306. HEALTH INSURANCE COVERAGE FOR CHILDREN WITH SPECIAL NEEDS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 106, is amended—

(1) in paragraph (19), by striking ''and'' at the end;

(2) in paragraph (20), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(21) provides for health insurance coverage (including, at State option, through the program under the State plan approved under title XIX) for any child who has been determined to be a child with special needs, for whom there is in effect an adoption assistance agreement (other than an agreement under this part) between the State and an adoptive parent or parents, and who the State has determined cannot be placed with an adoptive parent or parents without medical assistance because such child has special needs for medical, mental health, or rehabilitative care, and that with respect to the provision of such health insurance coverage—

''(A) such coverage may be provided through 1 or more State medical assistance programs;

''(B) the State, in providing such coverage, shall ensure that the medical benefits, including mental health benefits, provided are of the same type and kind as those that would be provided for children by the State under title XIX;

''(C) in the event that the State provides such coverage through a State medical assistance program other than the program under title XIX, and the State exceeds its funding for services under such other program, any such child shall be deemed to be receiving aid or assistance under the State plan under this part for purposes of section 1902(a)(10)(A)(i)(I); and

''(D) in determining cost-sharing requirements, the State shall take into consideration the circumstances of the adopting parent or parents and the needs of the child being adopted consistent, to the extent coverage is provided through a State medical assistance program, with the rules under such program.''.

SEC. 307. CONTINUATION OF ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS ON BEHALF OF CHILDREN WITH SPECIAL NEEDS WHOSE INITIAL ADOPTION HAS BEEN DISSOLVED.

(a) CONTINUATION OF ELIGIBILITY.—Section 473(a)(2) of the Social Security Act (42 U.S.C. 673(a)(2)) is amended by adding at the end the following: ''Any child who meets the requirements of subparagraph (C), who was determined eligible for adoption assistance payments under this part with respect to a prior adoption, who is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, and who fails to meet the requirements of subparagraphs (A) and (B) but would meet such requirements if the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under this part and the prior adoption were treated as never having occurred, shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii).''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to children who are adopted on or after October 1, 1997.

SEC. 308. STATE STANDARDS TO ENSURE QUALITY SERVICES FOR CHILDREN IN FOSTER CARE.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 106 and 306, is amended—

(1) in paragraph (20), by striking ''and'' at the end;

(2) in paragraph (21), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(22) provides that, not later than January 1, 1999, the State shall develop and implement standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children.''.

TITLE IV—MISCELLANEOUS

SEC. 401. PRESERVATION OF REASONABLE PARENTING.

Nothing in this Act is intended to disrupt the family unnecessarily or to intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting.

SEC. 402. REPORTING REQUIREMENTS.

Any information required to be reported under this Act shall be supplied to the Secretary of Health and Human Services through data meeting the requirements of the Adoption and Foster Care Analysis and Reporting System established pursuant to section 479 of the Social Security Act (42 U.S.C. 679), to the extent such data is available under that system. The Secretary shall make such modifications to regulations issued under section 479 of such Act with respect to the Adoption and Foster Care Analysis and Reporting System as may be necessary to allow States to obtain data that meets the requirements of such system in order to satisfy the reporting requirements of this Act.

SEC. 403. SENSE OF CONGRESS REGARDING STANDBY GUARDIANSHIP.

It is the sense of Congress that the States should have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

(1) the death of the parent;

(2) the mental incapacity of the parent; or

(3) the physical debilitation and consent of the parent.

SEC. 404. TEMPORARY ADJUSTMENT OF CONTINGENCY FUND FOR STATE WELFARE PROGRAMS.

(a) REDUCTION OF APPROPRIATION.—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by inserting '', reduced by the sum of the dollar amounts specified in paragraph (6)(C)(ii)'' before the period.

(b) INCREASE IN STATE REMITTANCES.— Section 403(b)(6) of such Act (42 U.S.C. 603(b)(6)) is amended by adding at the end the following:

''(C) ADJUSTMENT OF STATE REMITTANCES.—

''(i) IN GENERAL.—The amount otherwise required by subparagraph (A) to be remitted by a State for a fiscal year shall be increased by the lesser of—

''(I) the total adjustment for the fiscal year, multiplied by the adjustment percentage for the State for the fiscal year; or

''(II) the unadjusted net payment to the State for the fiscal year.

''(ii) TOTAL ADJUSTMENT.—As used in clause (i), the term 'total adjustment' means—

''(I) in the case of fiscal year 1998, $2,000,000;

''(II) in the case of fiscal year 1999, $9,000,000;

''(III) in the case of fiscal year 2000, $16,000,000; and

''(IV) in the case of fiscal year 2001, $13,000,000.

''(iii) ADJUSTMENT PERCENTAGE.—As used in clause (i), the term 'adjustment percentage' means, with respect to a State and a fiscal year—

''(I) the unadjusted net payment to the State for the fiscal year; divided by

''(II) the sum of the unadjusted net payments to all States for the fiscal year.

''(iv) UNADJUSTED NET PAYMENT.—As used in this subparagraph, the term, 'unadjusted net payment' means with respect to a State and a fiscal year—

''(I) the total amount paid to the State under paragraph (3) in the fiscal year; minus

''(II) the amount that, in the absence of this subparagraph, would be required by subparagraph (A) or by section 409(a)(10) to be remitted by the State in respect of the payment.''.

(c) RECOMMENDATIONS FOR IMPROVING THE OPERATION OF THE CONTINGENCY FUND.—Not later than March 1, 1998, the Secretary of Health and Human Services shall make recommendations to the Congress for improving the operation of the Contingency Fund for State Welfare Programs.

SEC. 405. COORDINATION OF SUBSTANCE ABUSE AND CHILD PROTECTION SERVICES.

Within 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families in the Department of Health of Human Services, shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report which describes the extent and scope of the problem of substance abuse in the child welfare population, the types of services provided to such population, and the outcomes resulting from the provision of such services to such population. The report shall include recommendations for any legislation that may be needed to improve coordination in providing such services to such population.

SEC. 406. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) IN GENERAL.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

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

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act take effect on the date of enactment of this Act.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. SHAW] and the gentlewoman from Connecticut [Mrs. KENNELLY] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, the resolution we are now considering is needed to resolve the differences between the House on bill H.R. 867, the Adoption and Safe Families Act of 1997. This legislation passed this House last April by a vote of 416 to 5. It was approved last week by the other body by unanimous consent.

The resolution before us provides for a House amendment to the Senate-passed amendment, with an agreed-upon compromise of the differences remaining between the two houses. We are doing this with the expectation that the Senate will agree quickly to this compromise and send the bill to the President for his anticipated signature.

I have seldom been so proud as I am today to have been involved in this most historic legislation. Let me briefly tell my colleagues why.

In 1980, the Congress enacted legislation that provided badly needed money to help the States protect abused and neglected children. Designed primarily by Democrats, the legislation was a great achievement in its time. However, we can now see that some of the technical provisions of the 1980 legislation have caused too many children to remain too long in foster care. In our highly justified efforts to help unfortunate parents and their children, we have inadvertently created a system that keeps children in the limbo of foster care, and in all too many cases, in harm's way.

This wonderful bill corrects that problem. It does so by use of three tried and true methods. First, it establishes time lines to which States must conform in getting children into permanent placement. We are talking about permanent adoptive, loving homes. The effort of these time lines is to force States to make quicker decisions about when the child should be returned to the biological parents or made available for adoption.

□ 1045

Second, the bill gives the States much more flexibility in identifying cases in which no attempt to help the biological family should be made. These include cases in which a parent has murdered another child or has lost custody of another child, plus other aggravated circumstances of this type which would be identified by the States.

Third, we give States a cash incentive for increasing the number of adoptions of children in foster care. Specifically, we pay the States up to $6,000 per adoption for increasing the number of children who are adopted out of foster care.

The bill does other fine things, but this is its great achievement. That great achievement is moving children toward adoption with dispatch. As a result, we can expect adoptions to increase by many thousands of cases in the next 5 years. Think of that, thousands of additional children removed from the uncertainty of foster care and placed in warm, loving, and permanent families.

For this great achievement, two Members of the House deserve special recognition. The gentleman from Michigan, Mr. DAVE CAMP, a member of the Committee on Ways and Means, has worked for more than a year now to guide this bill to final passage. As a matter of fact, he brought a great deal of expertise from his own experience as a lawyer in this area. His tireless work on this legislation and especially his persistence in working with the U.S. Senate, which sometimes is not an easy task, has enabled us to achieve a bill that is assured of passage in both the House and Senate.

And the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, has worked closely with the gentleman from Michigan on this bill and has succeeded in representing the interests of

the Democrats in a wide variety and array of advocacy groups.

I have always respected the legislative skills of the gentlewoman from Connecticut, [Mrs. KENNELLY], but sometimes working on different sides of important issues. Thus, it has been a special pleasure for me to work on the same side of an issue with her and to profit from, rather than sometimes and occasionally being the victim of, her great legislative skills.

Because of the demands of the legislative schedule, the House and Senate were not able to conduct a formal conference on this legislation. Even so, we have worked closely with the Senate at both the Member and the staff levels to achieve a bill that both Houses could accept. But because there is no conference, there is no conference report to establish and to clarify the legislative history of this important legislation.

For this reason, Mr. Speaker, I include for the RECORD an abbreviated version of the legislative history of this bill.

The material referred to is as follows:

LEGISLATIVE HISTORY OF HOUSE AMENDMENT TO ADOPTION AND SAFE FAMILIES ACT OF 1997—NOVEMBER 13, 1997

Title I. ''Reasonable Efforts'' and Child Safety Provisions

1. ''REASONABLE EFFORTS'' TO PRESERVE AND REUNIFY FAMILIES

House bill

As a component of their state Title IV–E plan, states would continue to be required to make reasonable efforts to preserve and reunify families; however, this requirement would not apply in cases in which a court has found that: a child has been subjected to ''aggravated circumstances'' as defined in state law (which may include abandonment, torture, chronic abuse, and sexual abuse); a parent has assaulted the child or another of their children or has killed another of their children (as defined in the Child Abuse Prevention and Treatment Act); or a parent's rights to a sibling have been involuntarily terminated. States would not be required to make reasonable efforts on behalf of any parent who has been involved in subjecting children to these circumstances.

Reasonable efforts to preserve or reunify families could be made concurrently with efforts to place the child for adoption, with a legal guardian, or in another planned permanent arrangement (see item 3). (Section 2 of the House bill)

Senate amendment

As a component of their state Title IV–E plan, states would be required to make reasonable efforts to preserve families when the child can be cared for at home without endangering the child's health or safety or to make it possible for the child to safely return home. Such reasonable efforts would not be required on behalf of any parent: if a court has determined that the parent has killed or assaulted another of their children; or if a court has determined that returning the child home would pose a serious risk to the child's health or safety (including but not limited to cases of abandonment, torture, chronic physical abuse, sexual abuse, or a previous involuntary termination of parental rights to a sibling); or if the state has specified in legislation cases in which reasonable efforts would not be required because of serious circumstances that endanger a child's health or safety. Reasonable efforts to place a child for adoption or with a legal guardian or custodian could be made concurrently with reasonable efforts to preserve or reunify families (see item 3).

Nothing in Title IV–E, as amended by this Act, would be construed as precluding state courts from exercising their discretion to protect the health and safety of children in individual cases when such cases do not include aggravated circumstances as defined by state law. (Section 101 of the Senate amendment)

House amendment

The House Amendment follows the House bill with minor differences in wording, except the agreement: clarifies that the state law definition of ''aggravated circumstances'' may include, but need not be limited to, abandonment, torture, chronic abuse, and sexual abuse; adds a rule of construction specifying that nothing in this legislation would be construed as precluding state courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in this provision; and establishes new definitions, under Title IV–E, of the terms ''legal guardianship'' and ''legal guardian.'' (Section 101 of the House Amendment)

2. CONSIDERATION OF CHILD HEALTH AND SAFETY

House bill

In determining and making reasonable efforts on behalf of a child, the child's health and safety must be of paramount concern. (Section 2)

Senate amendment

Same as House bill. (Section 101) In addition, the Senate amendment amends current law to include references to child safety in provisions dealing with child welfare services, case plans, and case review procedures. (Section 102)

House amendment

The House Amendment follows the Senate amendment.

3. ''REASONABLE EFFORTS'' TO PLACE CHILDREN FOR ADOPTION OR OTHER PERMANENT ARRANGEMENT

House bill

If reasonable efforts to preserve or reunify a family are not made because of the reasons cited in item 1 or are no longer consistent with the child's permanency plan, then states would be required to make reasonable efforts to place the child for adoption, with a legal guardian, or (if adoption or guardianship were not appropriate) in another planned, permanent arrangement. Reasonable efforts to preserve or reunify families could be made concurrently with efforts to place the child for adoption, guardianship, or in another planned, permanent arrangement. (Section 2)

Senate amendment

If reasonable efforts to preserve or reunify a family are not made because of the reasons cited in item 1 (as determined by a court), then a permanency planning hearing must be held for the child within 30 days of the court determination. In such cases, states are required to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the placement. Reasonable efforts to place a child for adoption or with a legal custodian could be made concurrently with reasonable efforts to preserve or reunify the family. (Section 101)

House amendment

The House Amendment follows the Senate amendment with minor differences in wording. (Section 101)

4. DOCUMENTATION OF EFFORTS TO ADOPT

House bill

For every child whose permanency plan is adoption or another permanent placement, states would be required to document the steps taken to find an adoptive family or permanent home; to place the child with the adoptive family, legal guardian, or other permanent home (including the custody of a fit and willing relative); and to finalize the adoption or guardianship. The documentation must cover child-specific recruitment efforts such as use of adoption information exchanges, including electronic exchange systems. (Section 7)

Senate amendment

Same as House bill, with minor differences in wording. (Section 108)

House amendment

The House Amendment follows the House bill and Senate amendment. (Section 107)

5. TERMINATION OF PARENTAL RIGHTS

House Bill

In the case of a child who is younger than 10 and has been in foster care for 18 of the most recent 24 months, states would be required to initiate a petition (or join any existing petition) to terminate parental rights, unless: at the option of the state, the child is being cared for by a relative; a state court or agency has documented a compelling reason for determining that such a petition would not be in the best interests of the child; or the state has not provided the family with services deemed appropriate by the state (in cases in which reasonable efforts to preserve or reunify the family have been required).

This provision would apply only to children who enter foster care on or after October 1, 1997. (Section 3)

Senate amendment

In the case of a child who has been in foster care for 12 of the most recent 18 months, an infant who is determined by the court to have been abandoned (as defined under state law), or a court determination that a parent of a child has assaulted the child or killed or assaulted another of their children, states would be required to initiate a petition (or join any existing petition) to terminate parental rights, and concurrently, to identify, recruit, process, and approve a qualified adoptive family, unless: at the option of the state, the child is being cared for by a relative; a state agency has documented to the state court a compelling reason for determining that such a petition would not be in the best interests of the child; or the state has not provided the family of the child with services deemed necessary by the state for the child's safe return home. (Section 104(a))

A child would be considered as having entered foster care on the earlier of the date of the first judicial hearing after the child's removal from home or 30 days after the child's removal from home. (Section 104(b))

Nothing in Title IV–E, as amended by this legislation, would preclude state courts or agencies from initiating termination of parental rights for other reasons, or according to earlier timetables than those specified, if such actions are determined to be in the child's best interests. These special cases include those in which the child has experienced multiple foster care placements. (Section 104(c))

For children in foster care on or before the date of enactment, this provision would apply as though the children first entered care on the date of enactment. The effective date of this bill, providing time for state legislatures to enact necessary legislation, would apply to this provision (see item 28). (Section 104(d))

House amendment

The House Amendment follows the House bill and Senate amendment with modifications. With regard to cases taken into state custody after the date of enactment of this legislation, states are required to initiate a petition (or join any existing petition) to terminate parental rights, and concurrently, to identify, recruit, process, and approve a qualified adoptive family for groups of children: those who have been in foster care for 15 of the most recent 22 months; those who the court has determined to be abandoned infants (as defined in state law); or those for whom there has been a court determination that their parent has assaulted the child or killed or assaulted another of their children.

There are three exceptions to the requirement for terminating parental rights in these cases: at the option of the state, if the child is being cared for by a relative; if a state agency has documented in the case plan, which must be available for court review, a compelling reason for determining that filing such a petition would not be in the best interests of the child; or if the state has not provided to the family of the child, consistent with the time period in the case plan, such services as the state deems necessary for the safe return of the child (in cases in which reasonable efforts to reunify the family have been required). (Section 103(a))

For purposes of applying the 15 of 22 month rule to new cases, the clock begins on the date of the first judicial finding that the child has been subjected to child abuse or neglect or 60 days after the childs removal from home. (Section 103(b))

With regard to children who enter foster care after the date of enactment, states would be required to comply with this provision when any such child has been in care for 15 of the most recent 22 months, but no later than 3 months after the end of the first regular session of the state's legislature that begins after the date of enactment. With regard to children who are in foster care on the date of enactment, states would be required to apply the 15 of 22 months rule to one-third of the caseload no later than 6 months after the end of the first legislative session, and would give priority to children with permanency plans of adoption and children who have been in foster care for the greatest length of time. States then would be required to apply the 15 of 22 months rule to two-thirds of the caseload no later than 12 months after the end of the first legislative session. Finally, states must apply the 15 of 22 months rule to all children who are in foster care on the date of enactment within 18 months after the end of the first legislative session that begins after the date of enactment. (Section 103(c))

Nothing in Title IV–E, as amended by this legislation, can be construed as precluding state courts or state agencies from initiating the termination of parental rights for other reasons, or according to earlier timetables, than those specified, when determined to be in the child's best interests. These exceptions include cases in which the child has experienced multiple foster care placements. (Section 103(d))

6. CHILD DEATH REVIEW TEAMS

House bill

No provision.

Senate amendment

To be eligible for payments under Title IV–E, no later than 2 years after enactment states must certify that they have established and are maintaining a state child death review team (and, if necessary, regional and local teams) to investigate child deaths. Such deaths include those in which there has been a prior report of abuse or neglect or there is reason to suspect that the death was related to abuse or neglect, or the child was a ward of the state or otherwise known to the child welfare agency. State, regional, or local teams may be existing citizen review panels, as authorized under CAPTA, or existing foster care review boards.

In addition, HHS would be required to establish a federal child death review team, with representatives from other federal agencies, to investigate deaths on federal lands, provide guidance and technical assistance to states and localities upon request, and make recommendations to prevent child deaths. (Section 103)

House amendment

The House Amendment follows the House bill.

7. CRIMINAL RECORD CHECKS

House bill

At state option, states could provide, as a component of their Title IV–E plan, procedures for criminal records checks and checks of a state's child abuse registry for any prospective foster parents or adoptive parents, and employees of child care institutions, before the parents or institutions are finally approved for a placement of a child eligible for federal subsidies under Title IV–E.

In any case of a criminal conviction of child abuse or neglect, spousal abuse, crimes against children, or crimes involving violence (including rape, sexual or other assault, or homicide), approval could not be granted. In any case of a criminal conviction for a felony or misdemeanor not involving violence, or the existence of a substantiated report of abuse or neglect, final approval could be granted only after consideration of the nature of the offense, the length of time since it occurred, the individual's life experiences since the offense occurred, and any risk to the child. (Section 17)

Senate amendment

States would be required to provide, as a component of their Title IV–E plan, procedures for federal and state criminal records checks for any prospective foster or adoptive parents and other adults living in their home. Background checks also would be required for employees of residential child care institutions. Parents and institutions must have background checks before being approved for placement of a child eligible for federal subsidies under Title IV–E.

In any case of a criminal conviction of child abuse or neglect, spousal abuse, crimes against children (including child pornography), or crimes involving violence (including rape, sexual or other physical assault, battery, or homicide), approval could not be granted. In addition, if a state finds that a court of competent jurisdiction has determined that a drug-related offense has occurred within the past 5 years, approval could not be granted. (Section 107(a))

This provision would not be construed to supercede any provision of state law regarding criminal records checks and other background checks for prospective foster and adoptive parents and employees of residential child care institutions, unless such provisions prevent the application of the requirements in this amendment. (Section 107(b))

House amendment

The House Amendment follows the Senate amendment with modifications. States would be required to provide, as a component of their Title IV–E plan, procedures for criminal records checks for any prospective foster or adoptive parents, before the parents are finally approved for placement of a child eligible for federal subsidies under Title IV–E. In any case of a felony conviction for child abuse or neglect, spousal abuse, crimes against children (including child pornography), or crimes involving violence (including rape, sexual assault, or homicide), approval could not be granted. In any case of a felony conviction for physical assault, battery, or a drug-related offense, approval could not be granted if the felony was committed within the past 5 years. States could opt out of this provision through a written notification from the Governor to the Secretary, or through state law enacted by the legislature.

8. QUALITY STANDARDS FOR OUT-OF-HOME CARE

House bill

No provision.

Senate amendment

As a component of their state Title IV–E plan, states would be required to develop and implement standards to ensure that children in foster care placements in public or private agencies receive quality services that protect the safety and health of children. The standards must be developed by January 1, 1999. (Section 308)

House amendment

The House Amendment follows the Senate amendment. (Section 308)

Title II. Adoption Promotion Provisions

9. ADOPTION INCENTIVE PAYMENTS

House bill

The Secretary of Health and Human Services (HHS) would be required to make adoption incentive payments to eligible states for any adoptions of foster children in a given fiscal year that exceed the number of such adoptions in a base year. Adoption incentive payments would equal $4,000 for each adoption of a foster child above the number in the base year, plus an additional $2,000 for each adoption of a foster child with special needs above the number in the base year (for a total of $6,000 for each special needs adoption). For these incentive payments, $15 million would be authorized for each of fiscal years 1999 through 2003. The base year is the previous year with the highest number of adoptions. Relevant budget acts would be amended to require adjustments in discretionary spending limits. (Section 4)

Senate amendment

The Senate amendment is similar to the House bill, except: the Secretary would be authorized, rather than required, to make adoption incentive payments; to be eligible to receive incentive payments, states would be required to provide health insurance coverage to any special needs child for whom there is an adoption assistance agreement between a state and the child's adoptive parents; adoption incentive payments would equal $3,000 for each adoption of a foster child above the base number, and an additional $3,000 for each adoption of a foster child with special needs (total of $6,000 for each special needs adoption); and the base number of adoptions for determining adoption incentive payments would be the average number of adoptions for the 3 most recent fiscal years. (Section 201)

Information required by this legislation would be supplied through the Adoption and Foster Care Analysis and Reporting System (AFCARS), to the extent available (see item 26).

House amendment

The House Amendment follows the House bill and the Senate amendment. The Secretary of HHS would be required to make adoption incentive payments to eligible states. An eligible state is one in which adoptions of foster children in FY 1998 exceed the average number during FY 1995–FY

1997 or, in FY 1999 and subsequent years, in which adoptions of foster children are higher than in any previous fiscal year after FY 1996. To be eligible to receive adoption incentive payments for FY 2001 or FY 2002, states would be required to provide health insurance coverage to any special needs child for whom there is an adoption assistance agreement between a state and the child's adoptive parents. Adoption incentive payments would equal $4,000 for each adoption of a foster child above the base number, and an additional $2,000 for each adoption of a foster child with special needs (for a total of $6,000 for each special needs adoption). For these incentive payments, $20 million would be authorized to be appropriated for each of FYs 1999 through 2003, and discretionary budget caps would be adjusted to accommodate this additional spending. (Section 201)

10. TECHNICAL ASSISTANCE TO PROMOTE ADOPTION

House bill

HHS would be authorized to provide technical assistance to states and localities to promote adoption for foster children, including: guidelines for expediting termination of parental rights; encouraged use of concurrent planning; specialized units and expertise in moving children toward adoption; risk assessment tools for early identification of children who would be at risk of harm if returned home; encouraged use of fast tracking for children under age 1 into pre-adoptive placements; and programs to place children into pre-adoptive placements prior to termination of parental rights

For technical assistance, $10 million would be authorized for each of fiscal years 1998–2000. (Section 12)

Senate amendment

HHS would be required to provide technical assistance, upon request, to help states and localities reach their targets for increased numbers of adoptions. No authorization of appropriations would be included. (Section 201)

House amendment

The House Amendment follows the House bill, except HHS would be required to use half of funds appropriated for technical assistance to the courts. (Section 201)

11. ELIGIBILITY FOR ADOPTION ASSISTANCE IN CASES OF DISSOLVED ADOPTIONS

House bill

No provision.

Senate amendment

Children with special needs who had previously been eligible for federally subsidized adoption assistance under Title IV–E, and who again become available for adoption because of the dissolution of their adoption or death of their adoptive parents, would continue to be eligible for federally subsidized adoption assistance under Title IV–E in a subsequent adoption. (Section 307(a)) This provision would only apply to children who become available for adoption due to the dissolution of their previous adoption or the death of their adoptive parents, and whose subsequent adoption occurs on or after October 1, 1997. (Section 307(b))

House amendment

The House Amendment follows the Senate bill with minor differences in wording. (Section 307)

12. HEALTH CARE COVERAGE FOR SPECIAL NEEDS ADOPTED CHILDREN

House bill

No provision.

Senate amendment

As a component of their state Title IV–E plans, states would be required to provide health insurance coverage for any child determined to be a child with special needs, for whom there is an adoption assistance agreement between the state and the adoptive parents, and who the state has determined could not be placed for adoption without medical assistance because the child has special needs for medical or rehabilitative care. In addition: such health insurance coverage could be provided through one or more state medical assistance program; the state would ensure that medical benefits, including mental health benefits, would be of the same type and kind as those provided for children by the state under Medicaid; if the state provides such health insurance coverage through a program other than Medicaid, and the state exceeds its funding for services under such program, then any such child would be deemed to be Title IV–E-eligible for purposes of Medicaid; and in determining cost-sharing requirements, the state would be required to take into consideration the circumstances of the adoptive parents and the needs of the child. (Section 306)

House amendment

The House Amendment generally follows the Senate amendment. The agreement makes clear that the state may choose to comply with this provision by covering the child under Medicaid. (Section 306)

13. INTERJURISDICTIONAL ADOPTION

House bill

No provision.

Senate amendment

As a component of their state Title IV–E plan, states would be required to provide that neither the state nor any other entity in the state that receives federal funds and is involved in adoption would delay or deny the adoptive placement of a child on the basis of the geographic residence of the adoptive parent or child. (Section 202(a))

In addition, the Secretary of HHS would be required to appoint an advisory panel to study interjurisdictional adoption issues. The panel would submit a report to the Secretary within 12 months of appointment, including recommendations for improvements in interjurisdictional adoptions. The Secretary would forward the report to Congress and, if appropriate, make recommendations for legislation. (Section 202(b))

House amendment

The House Amendment generally follows the Senate amendment. As a component of their Title IV–E state plan, states would be required to assure that the state would develop plans for the effective use of cross-jurisdictional resources to facilitate timely permanent placements for waiting children. In addition, states would not be eligible for any Title IV–E payment if the Secretary found that, after the date of enactment, a state had denied or delayed the placement of a child when an approved family was available outside the jurisdiction with responsibility for handling the case of the child, or denied to grant an opportunity for a fair hearing to an individual whose allegation of a violation of this provision was denied by the state or not acted upon with reasonable promptness. (Sections 202(a) and (b)) It is the intention of Congress that the best interests of children remain the critical consideration in adoptive placement decisions. Congress does not intend to interfere with the ability of the Interstate Compact on the Placement of Children to ensure safe and appropriate adoptive placements.

The General Accounting Office (rather than HHS through an advisory panel) would be required to study and report to Congress on interjurisdictional adoption issues. (Section 202(b))

Title III. System Accountability and Improvement Provisions

14. PERMANENCY HEARINGS

House bill

States would be required to hold a first dispositional hearing within 12 months of a childs placement, instead of the current 18, and the name of the proceeding would be changed to ''permanency'' hearing. The hearing's purpose would be to determine the childs permanency plan, which could include: returning home; referral for adoption and termination of parental rights; guardianship; or another planned, permanent arrangement, which could include the custody of a fit and willing relative. (Section 5)

Senate amendment

States would be required to hold a first dispositional hearing within 12 months of the date the child is considered to have entered foster care, defined as the earlier of the date of the first judicial hearing after the childs removal or 30 days after the removal. The hearing would be renamed ''permanency planning'' hearing, and its purpose would be to determine the childs permanency plan, which could include: returning home; being placed for adoption and the state would file a petition to terminate parental rights; being referred for legal guardianship; or in cases in which the state agency has documented to the state court a compelling reason why it would not be in the child's best interest to return home, being referred for termination of parental rights, being placed for adoption with a qualified relative or a legal guardian, or being placed in another planned, permanent living arrangement. (Section 302)

House amendment

The House Amendment follows the Senate amendment, except the name of the proceeding is changed to a ''permanency'' hearing rather than a ''permanency planning'' hearing. (Section 302)

15. PARTICIPATION IN CASE REVIEWS AND HEARINGS

House bill

Foster parents and relatives providing care for a child would be given notice and an opportunity to be heard at any review or hearing held with regard to the child. This provision, however, must not be construed to make any foster parent a party to such a review or hearing. (Section 6)

Senate amendment

Same as the House bill, except the Senate amendment: would also apply to any preadoptive parent or any other individual who has provided substitute care for the child; and would make explicit that relative caretakers, pre-adoptive parents, and other individuals who have cared for the child, in addition to foster parents, would not be considered parties to reviews or hearings solely on the basis of receiving notice. (Section 105)

House amendment

The House Amendment follows the House bill and Senate amendment, with minor modifications. Foster parents and preadoptive parents or relatives providing care for a child would be given notice and an opportunity to be heard at any review or hearing held with regard to the child. This provision must not be construed to make any foster parent, preadoptive parent or relative a party to such a review or hearing solely on the basis of receiving notice. (Section 104)

16. PERFORMANCE MEASURES FOR STATE CHILD WELFARE PROGRAMS

House bill

The Secretary of HHS, in conjunction with the American Public Welfare Association,

the National Governors' Association, and child advocates, would be required to develop outcome measures to assess state child welfare programs and to rate state performance according to these measures. HHS would submit an annual report to Congress on state performance; the report would contain recommendations for improving state performance. The first report would be due on May 1, 1999. Outcome measures would include length of stay in foster care, number of foster care placements, and number of adoptions. To the maximum extent possible, the report would be developed from data available from the Adoption and Foster Care Analysis and Reporting System (AFCARS). (Section 10)

Senate amendment

The Secretary of HHS would be required to issue an annual report containing ratings of state performance in protecting children. The first report would be due on May 1, 1999. In developing the performance measures, the Secretary would be required to consult with the American Public Welfare Association, the National Governors Association, the National Conference of State Legislatures, and child welfare advocates. The measures would track state performance over time in the following categories: number of placements for adoption and for foster care, and whether such placements were with a relative or a guardian; number of children who ''age out'' of foster care without having been adopted or placed with a guardian; length of stay in foster care; length of time between a child's availability for adoption and actual adoption; number of deaths and substantiated cases of child abuse or neglect in foster care; and specific steps taken by the state to facilitate permanence for children. (Section 203(a))

In addition, the Secretary of HHS, in consultation with state and local public child welfare officials and child welfare advocates, would be required to develop and recommend to Congress a performance-based incentive funding system for payments under Titles IV–B and IV–E. The report would be due no later than 6 months after enactment. (Section 203(b)) Information required by this legislation would be supplied through the Adoption and Foster Care Analysis and Reporting System (AFCARS) to the extent the information is available through AFCARS (see item 26).

House amendment

The House Amendment follows the House bill and the Senate amendment, with modifications. The Secretary of HHS, in conjunction with Governors, state legislatures, state and local public officials responsible for administering child welfare programs, and child advocates, would be required to develop outcome measures to assess state child welfare programs and to rate state performance according to these measures. HHS would submit an annual report to Congress on state performance, with recommendations for improving state performance; the first report would be due on May 1, 1999. Outcome measures would include length of stay in foster care, number of foster care placements, and number of adoptions, and, to the maximum extent possible, would be developed from data available from the Adoption and Foster Care Analysis and Reporting System (AFCARS). (Section 203(a))

In addition, the Secretary of HHS, in consultation with state and local public child welfare officials and child welfare advocates, would be required to develop and recommend to Congress a performance-based incentive funding system for payments under Titles IV–B and IV–E. No later than 6 months after enactment, the Secretary would submit a progress report on the feasibility, timetable, and consultation process for conducting a study, with a final report due within 15 months of enactment. The report may include other recommendations for restructuring the program and for making payments to states under Titles IV–B and IV–E. (Section 203(b))

17. CHILD WELFARE DEMONSTRATIONS

House bill

The number of child welfare demonstrations would be increased from 10 to 15. At least one of the additional demonstrations would have to address the issue of kinship care. (Section 11)

Senate amendment

The current law limitation on the number of demonstrations that HHS could approve would be eliminated. Demonstrations would have to be designed to achieve one or more of the following goals: reducing a backlog of children in long-term foster care or awaiting adoptive placement; ensuring an adoptive placement for a child no later than 1 year after the child enters foster care; identifying and addressing barriers that result in delays to adoptive placements for children in foster care; identifying and addressing parental substance abuse problems that endanger children and result in foster care placement, including placement of children and parents together in residential treatment facilities that are specifically designed to serve parents and children together to promote family reunification; overcoming barriers to the adoption of children with special needs resulting from a lack of health insurance coverage for such children; and any other goal that the Secretary has already approved on the date of enactment, or, after the date of enactment, specifies by regulation.

In considering applications for waivers from states in which there has been a court order determining a state's failure to comply with provisions of Titles IV–B or IV–E or the Constitution, the Secretary would be required to consider the effect of the waiver on the terms and conditions of the court order. (Section 301(a)) This provision would not be construed to affect the terms and conditions of any demonstrations that had been approved as of the date of enactment. (Section 301(b))

House amendment

The House Amendment follows the House bill and the Senate amendment, with modifications. The Secretary would be authorized to conduct demonstrations that the Secretary finds are likely to promote the objectives of Title IV–B or IV–E. The Secretary would be authorized to approve no more than 10 such demonstrations in each of FYs 1998 through 2002. If appropriate applications were submitted, the Secretary would be required to consider applications designed to identify and address barriers that result in delays to adoptive placements for foster children; identify and address parental substance abuse problems that endanger children and result in their placement in foster care, including through placement of children and parents together in residential treatment facilities that are specifically designed to serve parents and children together to promote family reunification; and to address kinship care. In addition, waivers could be approved only for those states which provide health insurance coverage to any child with special needs for whom there is in effect an adoption assistance agreement between a state and an adoptive parent or parents. The Secretary may waive the current law requirement that demonstrations end after 5 years. In approving demonstrations, the Secretary shall consider the effect of the demonstration on any court orders in the state for violations of federal requirements under Titles IV–B or IV–E or the U.S. Constitution. (Section 301)

Title IV. Additional Provisions

18. REAUTHORIZATION AND EXPANSION OF THE FAMILY PRESERVATION PROGRAM

House bill

No provision.

Senate amendment

The family preservation and family support program under Title IV–B, Subpart 2, would be reauthorized through FY2001, at the following levels: $275 million in FY1999; $295 million in FY2000; and $305 million in FY2001. As under current law, these are capped entitlement funding levels. Existing allocation formula provisions, including a 1 percent reserve for Indian tribes, would remain intact. Set-asides for court improvement grants and for evaluation and research would also be reauthorized. (Section 305(a))

States would be required to devote significant portions of their expenditures, after spending no more than 10 percent of their allotment for administrative costs, to each of the following four categories of services: community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support services.

Time-limited family reunification services would be defined as services and activities provided to children (and their parents) who have been removed from home and placed in foster care, for no longer than 15 months beginning on the date of their removal from home, to facilitate the child's safe and appropriate reunification with the family. Such services and activities include counseling, substance abuse treatment, mental health services, assistance to address domestic violence, and transportation. Adoption promotion and support services would be defined as services and activities designed to encourage more adoptions out of the foster care system when adoptions promote the best interests of children.

Subpart 2 of Title IV–B would be renamed ''Promoting Adoptive, Safe, and Stable Families.'' (Section 305(b)) State plans under Subpart 2 would be required to contain assurances that in administering and conducting service programs, the safety of the children to be served would be of paramount concern. Additional references to child safety would be added to the statute. (Section 305(c)) Maintenance of effort provisions in current law would be clarified to define nonfederal funds as meaning state funds, or at the option of the state, state and local funds. This provision would take effect as if included in the Omnibus Budget Reconciliation Act of 1993. (Section 305(d))

House amendment

The House Amendment follows the Senate amendment, except specific examples of adoption promotion and support services would be deleted and time-limited family reunification services are limited to 15 months from the date the child enters foster care. The program would be renamed ''Promoting Safe and Stable Families.'' (Section 305)

19. REPORT ON SUBSTANCE ABUSE AND CHILD PROTECTION

House bill

The Secretary of HHS would be required to submit a report to the Committees on Ways and Means and Finance on the problem of substance abuse in the child welfare population, services provided to parents who abuse substances, and the outcomes of such services. This report would be based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families within HHS, and would be due within 1 year

of enactment. The report would include recommendations for legislation. (Section 13)

Senate amendment

No provision.

House amendment

The House Amendment follows the House bill. (Section 405)

20. KINSHIP CARE REPORT

House bill

The Secretary of HHS would be required to convene an advisory panel on kinship care no later than March 1, 1998. By the same date, the Secretary would submit an initial report to the advisory panel on the extent to which foster children are placed with relatives. The advisory panel would review the Secretary's initial report and submit comments by July 1, 1998. Based on these comments and other information, the Secretary would submit a final report, by November 1, 1998, to the Committees on Ways and Means and Finance, containing recommendations. (Section 8)

Senate amendment

Same as the House bill with slight differences in data to be collected. (Section 303)

House amendment

The House Amendment follows the Senate amendment, except the dates are changed so that the Secretary would be required to convene the advisory panel and submit an initial report to the advisory panel no later than June 1, 1998. The advisory panel would submit comments to the Secretary no later than October 1, 1998, and the Secretary would report to Congress no later than June 1, 1999. (Section 303)

21. FEDERAL PARENT LOCATOR SERVICE

House bill

Child welfare agencies would be authorized to use the Federal Parent Locator Service to assist in locating absent parents. (Section 9)

Senate amendment

Same as the House bill with minor differences in wording. (Section 106)

House amendment

The House Amendment follows the Senate amendment. (Section 105)

22. ELIGIBILITY FOR INDEPENDENT LIVING SERVICES

House bill

The primary target population for independent living services would be revised to include children who are no longer eligible for foster care subsidies under Title IV–E because they have accumulated assets of up to $5,000. (Section 14)

Senate amendment

Same as the House bill. (Section 304)

House amendment

The House Amendment follows the House bill and the Senate amendment.

23. STANDBY GUARDIANSHIP

House bill

It would be the sense of Congress that states should have laws and procedures that would permit a parent who is chronically ill or near death to designate a standby guardian for their minor child without surrendering their own parental rights. The standby guardians authority would take effect upon the parents death, the onset of mental incapacity of the parent, or the physical debilitation and consent of the parent. (Section 18)

Senate amendment

Same as House bill. (Section 403)

House amendment

The House Amendment follows the House bill and the Senate amendment.

24. PURCHASE OF AMERICAN-MADE EQUIPMENT

House bill

It would be the sense of Congress that, to the greatest extent possible, all equipment and products purchased with funds provided under the Adoption Promotion Act should be American-made. (Section 16)

Senate amendment

No provision.

House amendment

The House Amendment follows the House bill with a change to reflect the name of the bill. (Section 406)

25. PRESERVATION OF REASONABLE PARENTING

House bill

No provision.

Senate amendment

Specifies that nothing in this legislation is intended to disrupt the family unnecessarily or intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting. (Section 401)

House amendment

The House Amendment follows the Senate amendment. (Section 401)

26. USE OF DATA FROM THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM (AFCARS)

House bill

No provision.

Senate amendment

Any information required to be reported by this legislation would be supplied through AFCARS to the extent such information is available in AFCARS. The Secretary would be required to modify the AFCARS regulations if necessary to allow states to obtain data required by this legislation. (Section 402)

House amendment

The House Amendment follows the Senate amendment. (Section 402)

27. TEMPORARY REDUCTION IN CONTINGENCY FUND

House bill

No provision.

Senate amendment

The federal matching rate under Medicaid for state expenditures related to skilled professional medical personnel would be reduced to 73%. (Section 405)

House amendment

Neither the House bill nor the Senate amendment was followed. Rather, the $2 billion federal Contingency Fund for the Temporary Assistance for Needy Families (TANF) program, created by the 1996 welfare reform law (P.L. 104–193), would be reduced by a total of $40 million in outlays over the period 1998–2002. (Section 404)

Title V. Effective Dates

28. EFFECTIVE DATES

House bill

October 1, 1997. If the Secretary determines that states need to enact legislation to comply with state plan requirements imposed by this legislation, a state plan would not be considered out of compliance solely because it fails to meet these requirements until the first day of the calendar quarter beginning after the close of the next regular session of the state legislature. In states with a 2-year legislative session, each year would be deemed a separate session. (Section 15)

Senate amendment

Same as House bill, except for provisions dealing with termination of parental rights (see item 5), disrupted adoptions (see item 11), and the definition of nonfederal funds under family preservation (see item 18). (Section 501)

House amendment

The House Amendment follows the House bill and Senate amendment, with a modification to change October 1, 1997, to the date of enactment. (Section 501)

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank the gentleman from Florida, Mr. CLAY SHAW, the subcommittee chair with jurisdiction over this bill, for his incredible support, his patience, and his willingness to work alongside the gentleman from Michigan, Mr. CAMP, and myself to make sure that this day came about. I really appreciate what he has done. His leadership has been outstanding. I thank him very much.

I also want to say on the floor today what a delight it has been to work with the gentleman from Michigan, Mr. DAVE CAMP. He truly intimately, personally understood what this bill was about. He personally cared about the children of America.

The past week or so as we were having the struggle to see if the Senate would in fact take up this bill, he daily went to see his Senate friends, and sometimes I wondered if they were his friends, but those that were working on this bill, trying to tell them how important it was that we pass this bill before this session ended.

The reason for that, Mr. Speaker, was this past April the House took the important step toward protecting children and promoting adoption. Today we can finish that job by sending to the President this bill, an amended version of the same legislation that we passed in April.

As I said to the Senators on the finance committee a little over a month ago, I could not understand how we could go home to our loving families for the holidays, for Thanksgiving and Christmas, and not act upon this bill, because this bill is about children of America who do not have safe, loving, and permanent homes. If we did not act upon this bill they would not have the hope of safe, loving, permanent homes.

This legislation we can all agree on is putting children on a fast track from foster care to safe and loving and permanent homes. This is what this is all about.

Before I continue I also want to thank the gentleman from Michigan [Mr. LEVIN], the ranking member, the democratic ranking member of the subcommittee, for being so supportive of this legislation. Also, one of the reasons we have reached this point is that our First Lady, Mrs. Hillary Clinton, was incredibly supportive of this effort, to the point that she went one on one on one to the various members of the Senate who really wanted this legislation, wanted it as badly, I think, as we did, but they wanted a perfect piece of legislation.

What the gentleman from Michigan, Mr. DAVID CAMP and I realized is that at this point in time we could not do a perfect piece of legislation, but what we could do was a very good piece of legislation. Mrs. Clinton understood that we were beginning down the path

of giving children safe, permanent, loving homes. She was there with us lobbying on behalf of the children of the United States of America, urging, urging and pleading that we pass this legislation now.

When we think about a child who is 3 years old, and the fact that they can spend 18 months in a foster care home and be returned to their home that is not a good home, and then returned to another foster care home, this is their life. For a child, this is something that we should not do to them. Mrs. Clinton understood it, the gentleman from Florida [Mr. SHAW] understood it, the gentleman from Michigan [Mr. CAMP] and I understood it. That is where we are today.

This legislation is very similar to that that we passed in April by 416 votes to 5. The focus remains on providing permanency and protection for foster care children. Like the original House-passed adoption bill, this legislation includes financial bonuses for States and increases the number of children leaving foster care for adoption, and requires States to expedite permanency hearings for children in foster care.

Also, like the House bill, this measure clarifies when children should not be returned home, such as, and I cannot believe I am saying these words, but the fact of the matter happens, such as when torture or sexual abuse or chronic physical abuse is occurring in that home, no child should have to remain in that home.

This might sound like common sense, but we told the States about 15 years ago to make reasonable efforts to reunify families, without telling them exactly what we meant by reasonable. Unfortunately, in practice, reasonable efforts became every effort, putting a child at risk. So we are now telling States there are times when returning a child home presents too great a risk to that child's safety, and that is not a risk that we are willing to take.

The legislation also requires States to expedite the termination of parental rights when reunifying the family is not possible. This will eliminate one more barrier to adoption. There are also a few additions to the original House-passed legislation, including the reauthorization of the family preservation program, which has been amended to place a greater emphasis on adoption services when returning children to their birth families, and when that is not possible, we are very clear in defining what we mean by reasonable efforts.

The National Governors Association has already expressed its strong support for reauthorizing this program, saying the ability of States to tailor these funds to particular needs of the community have made this particularly a valuable program. Furthermore, this legislation includes a Senate provision ensuring that special needs children with severe medical problems will have continued access to health coverage, when they are in foster care or in the process of adoption.

Mr. Speaker, this legislation will not eliminate child abuse or guarantee a permanent home for every child, but it will take a significant first step forward on the road to providing protection and permanency for our Nation's abused, neglected, and sometimes forgotten children. I urge passage of this measure.

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

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CAMP], the coauthor of this legislation.

Mr. CAMP. Mr. Speaker, I thank the gentleman from Florida [Mr. SHAW], the chairman, for yielding time to me. Without his steadfast support, we would not be on the floor with this adoption bill today. He has been every bit a chairman, has been very much involved with this process, and I very much want to thank him for his efforts in bringing this to a reality.

I also want to thank my coauthor, the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, who has also been there every step of the way, and I believe her testimony before the Senate, where she implored them to pass a bill to help children before we go home for the holidays to our own loving families, was a turning point in the negotiation; and also the ranking member, the gentleman from Michigan, Mr. SANDER LEVIN, for his support and effort in this area as well. The administration, we worked with them as well, and this has been a bipartisan bill. I think that is one of the reasons why we are on the floor today.

I think today is a great day for our Nation's foster and adoptive children. Today is the day that Congress improves our foster care laws and eases the pathway for adoption. Since 1980, foster care children have entered a system that has often worked against them, making foster care a permanent answer instead of a temporary solution to their problems.

In 1980 Congress enacted the Adoption Assistance and Child Welfare Act, which sought to improve the foster care system. The 1980 law, while well-intended, has created a system where nearly half a million children currently reside in foster care. Many remain in the system for more than 2 years, which is a lifetime for a child. This legislation, however, is not about numbers and statistics, it is about children and families.

For a child of any age, 2 years in foster care is far too long. It is 2 years of uncertainty, 2 years of not knowing where their next home will be, or not knowing the love of a parent. This legislation makes several changes that will ensure our children grow up in the sanctuary of a permanent, loving home instead of a temporary shelter.

First, we make the health and safety of the child of paramount importance in any decision affecting our children. No child should be returned to a dangerous environment where they may face continued abuse or even death. Our bill makes sure the child's health and safety are taken into account in that decision.

We also clarify the circumstances under which States are not required to pursue reasonable efforts. Under the bill, States would not be required to pursue reasonable efforts if a child had been abandoned, tortured, chronically or sexually abused, or if the parents had murdered a sibling.

Second, we allow States to conduct what is known as concurrent planning, which allows the State to make permanency arrangements for adoption while attempts to reunite the family are made. Many children remain in foster care so long because States fail to make arrangements for the child should reunification efforts fail.

Third, we provide incentive payments to States that quickly find permanent, loving homes. States will receive incentive payments of $4,000 for each adoption and $6,000 for special needs adoptions. From the beginning, Republicans and Democrats, both House and Senate, have worked together on behalf of our Nation's children. I have no doubt that the commitment to helping those children will continue until this bill is signed into law.

We are on the brink of a significant accomplishment. It is our children who are the beneficiaries. This bill will ensure that a permanent, loving home is within the reach of every child. In the eyes of every child, we see the boundless possibilities for our future. No child should grow up without a loving home. But in those instances where changes must be made, we must have a system that works on behalf of the child, not against them.

Again, I want to thank the chairman of the subcommittee for his efforts, and my coauthor, the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, for bringing this bill to the floor.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN], the ranking member on the Subcommittee on Human Resources of the Committee on Ways and Means,

Mr. LEVIN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I offer congratulations to the gentleman from Michigan, Mr. DAVID CAMP, and the gentleman from Florida, Mr. CLAY SHAW, the chairman of the subcommittee. The gentlewoman from Connecticut [Mrs. KENNELLY] will some day in the next year or so be leaving this institution, I hope for another one. But it is interesting how her energy has been unflagging, as has that of the gentleman from Michigan [Mr. CAMP]. Without their enterprise, this bill would not be in the process of enactment. I have enjoyed, again, working with the chairman of the committee on this important measure.

I would also like to pay tribute to the administration for all of its dedication and its energy, as well as to our staff, to all of the staff who worked so hard on this.

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The big winners today are obviously the tens of thousands of children who are in the foster care system who need to move on into a permanent setting.

I want to, though, say just a word about other implications of this legislation. I think it reflects the fact that, indeed, in certain vital areas it is critical that there be a constructive partnership between the Federal Government and State and local government. We often here get hung up in theoretical battles about who should do what. Often the answer is working together on the Federal, State, and local levels. We have in this bill certain roles for the Federal Government, not only funding, but a scorecard. And this indicates that we need to do this together.

Second, I think this bill shows that the wild swings of the pendulum in this area are really unfortunate. In my years on the committee, we have been arguing which is better, family preservation or reunification or adoption. I think what this bill says is kind of, get on with it. Let us do what is right for the child, and what is right for the child will depend on each particular case. But do not tarry. We should make a decision.

One last point. The funding for this comes from a slight deviation from the contingency fund, or diversion. And we have discussed this. And as I have indicated to the gentleman from Florida [Mr. SHAW], it is my hope that next year we will be able to look at the contingency fund in welfare reform to be sure there is adequate funding. It was critical, though, that we move ahead this year. I am pleased to have been a small part of it.

Again, I want to pay tribute to the gentleman from Michigan [Mr. CAMP], to the gentlewoman from Connecticut [Mrs. KENNELLY] and to the gentleman from Florida [Mr. SHAW] for all of their work.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. PRYCE], who has been very active in this area of adoption on both the floor and since she has come to the Congress.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from Florida [Mr. SHAW] for yielding me the time.

I rise in strong support of the bipartisan Adoption Promotion Act. I want to thank my colleagues, especially the gentleman from Florida [Mr. SHAW], the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] for all their hard work and dedication on this issue, and also my colleague from Ohio in the other body Senator DEWINE.

Last April, the House passed this bill by an overwhelming vote of 416 to 5. Since then, we have been patiently waiting for the Senate to follow our lead. That day has come. With the passage of this bill today, we will move one step closer to giving the hope of permanency to children in need of a stable, loving home.

Mr. Speaker, every child in America deserves a family and home filled with love and security, free from abuse, free from neglect or the threat of violence. The sad truth is that many children do not enjoy that most basic human right. Of nearly half a million children in foster care, only about 17,000 have entered permanent adoptive homes. What is more astonishing is that, during each of the past 10 years, more children have entered the foster care system than have left it.

This legislation will speed the adoption process, especially for those children with the greatest need, those who have been abused or neglected. In addition, we will elevate children's rights so that a child's health and safety will be of paramount concern under the law.

Mr. Speaker, this is one of the most important changes we can make. Because too often a foster child's best interest, along with common sense, are abandoned as courts and welfare agencies work overtime to put children back in dangerous situations in the name of family reunification. This bill corrects the perverse incentives of the current system that gives States more money if they have more children in foster care. That is just crazy. Now we will provide States more money if they reduce their foster care caseload by placing kids in permanent, stable homes.

Congress and the Federal Government cannot legislate compassion and love for all the Nation's children, but through this legislation we can take reasonable steps to promote family stability and to give children, especially foster children, a fighting chance to see the loving homes that they deserve.

Mr. Speaker, in the interest of thousands of children who need a true family to love and protect them, I urge my colleagues to support this most important legislation. Let us do it for the children.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 4 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, it is very, very rare to sit as a Member of this body and to feel so strongly about the good of the legislation before us. I just want to go ''yes.'' But that is what I feel on this legislation. And for all we get up and gasp, one Member to another, about how we have been working together and all that, this time I mean it, the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY], I will forever appreciate and never forget how good their work has been. It is just fabulous.

It is an emotional topic to me because I have adopted two children out of foster care. We got Katherine at 3½ months and Scott at 4½ months. They were babies. We could get on with the business of being a family. And we know that from that comes not just emotional dimensions of stability and security and self-esteem, but actually neurological development issues that are so critical to the ultimate opportunity and fate and lives that these little beings will have.

We face the reality today that there are tens of thousands of precious lives out there in a state of limbo, unable to know where they are going to end up, unable to attach to the loving caregivers that they are spending their days with because they do not know whether they are not going to be with that care-giver anymore.

In some instances, abused children live daily with the fear that they may be sent back by some people in some process they do not begin to understand into a home where the abuse occurred in the first place. They do not even go to bed at night with the sense of personal safety and security. This legislation offers an opportunity to change that.

We have on the books a bill that requires reasonable efforts to achieve family reunification, and that has sent a mixed signal from this body to those on the front lines trying to make this excruciatingly difficult system work. It is time we help clarify the primary objective. And the primary objective comes down to something terribly, terribly simple: Children need families. And that needs to be the overriding goal.

Now, as a parent, I can tell my colleagues that families need children as an also urgent part of this process. But it is the children's interest that is clearly before us and advanced by this legislation. It does so significantly. First of all, it addresses that safety issue. If they are from an abusive home or where there is a question in terms of their safety, they will never be sent back there again, they will never be subject to that threat again.

Second, it brings resolution to the process. For those that are on their fourth or fifth or sixth foster home, while some social worker works to try and make an adult out of a parent whose immaturity has made parenting skills impossible, we bring resolution to that process; we put this child on track toward a permanent home so they can get on with their development within 1 year.

And finally, we provide the resources to help the States in this regard: $10 million annually over the next 3 years for technical assistance, $208 million over the next 5 years to fund the incentives for States so they might take the steps to get this done.

I thank the gentleman from Michigan [Mr. CAMP], the gentleman from Florida [Mr. SHAW]. I thank the gentleman from Michigan [Mr. LEVIN] and the gentlewoman from Connecticut [Mrs. KENNELLY]. As they leave this

chamber at the end of this Congress, they will have many, many works of legislative achievement to look back upon. For my money, this one will be the hallmark. They have made a lasting contribution to the well-beings of the children of this country and foster care this morning. And again, I thank them. And on behalf of the people of this country, I thank them for this good work.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I would like to wrap up this side of the aisle, and I yield myself such time as I may consume.

Also, I want to thank the gentleman from North Dakota [Mr. POMEROY] for that statement. He has been there. He has lived it. He has done it. And I thank him very much for coming here today and telling us about it.

I also want to put on the RECORD the fact that Sister Josephine Murphy, director of St. Anne's Infant and Maternity Home in Hyattsville, MD, has been very, very helpful in bringing this piece of legislation forward. As the gentleman from North Dakota [Mr. POMEROY] spoke from a permanent position, so did Sister Josephine tell us about her day-in, day-out work with children and the facts of the matter of one child is returned to an abusive home and how, in fact, that child knows how wrong that is and the suffering that is involved.

Mr. Speaker, our foster care system is an extremely valuable safety net, and I want to emphasize that. The foster care parents across this country are doing valuable service for children who cannot stay in their own birth homes, and I salute them and thank them.

What this bill is about really, though, is to have a child in a permanent home. And where that safety net is there in a foster care home, the child knows when the home is not permanent. When they go to school, they know that the home they are in is not a permanent home. And though they are glad to be there in the safety of that foster care home, what this bill does is bring forward a safe harbor, a place of permanency and love for this child.

We have to state that the number of children in foster care has almost doubled over the last 12 years; 276,000 12 years ago, now twice that amount. And more than 40 percent of foster children stay in the system for more than 2 years. And when a child is 3 years old, obviously that is much too much. This legislation attempts to reverse this trend by placing greater emphasis on finding adoptive parents for children in foster care.

The bill provides States with a financial incentive; $4,000 a child, $6,000 if it is a hard-to-place child. This legislation requires States to remove barriers to adoptions such as parental rights to children who will never return to their birth home.

This does not mean we intend to end our Nation's policy of keeping families together. What this legislation leaves intact is a so-called reasonable effort requirement to help reunify families and reauthorize the preservation program for these families. But the bill does attempt to identify situations in which reunifying the family seems unwise or unlikely, such as when severe abuse is taking place.

Let me quote one more time the Washington Post, who summed it up best when it said the bill ''puts a new and welcome emphasis on the children.''

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

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think there are so many people who have been working on this legislation. The gentlewoman from Connecticut [Mrs. KENNELLY] mentioned Sister Josephine Murphy, whose personal experience that she shared with us in such a dynamic way both at a press conference immediately preceding this bill coming to the floor, as well as before the committee. We had so many wonderful witnesses give testimony as to what is happening out there and the tragedy of foster care as opposed to getting people into adoption.

I want to thank a few of the staff people, too: Casey Bevan, whose experience in this area has been invaluable to the committee. Deborah Colton, the chief of staff on the Democrat side of the subcommittee, has done a tremendous job of cooperation, as, of course, her boss, the gentleman from Michigan [Mr. LEVIN] has done a tremendous job, for which I am deeply appreciative; and, of course, Ron Haskins, who is the chief of staff on the Republican side and the subcommittee. To all of them, all of my colleagues know that we cannot function with good legislation without competent staff. The competence has been tremendous in this regard, and we certainly appreciate it.

I want to close at this time, Mr. Speaker, in sharing with my colleagues an article that was in the Orlando Sentinel. I was in Orlando Monday night, spending the night, and Tuesday morning. The headline in one of the lead stories in the Orlando Sentinel was a colored picture of a baby who is designated as ''Disney's darling.'' The reason she was is that she was found in the restroom in the Magic Kingdom, actually in a toilet, where the mother had left this poor child. They had to give the child CPR. But I am pleased to tell my colleagues that this child is doing well. She is loved by the care she is receiving now in the hospital. Her mother is unknown, as, of course, her father is, too. She has been named by the people at the hospital as Baby Jasmine.

I think the House should reflect a moment on the historic nature of what we are doing today. Baby Jasmine has a real good shot, in fact, I would say a probability at this point, partly because of this legislation, that Christmas of 1998 will find her with a real family, her permanent family, a loving family in which she will celebrate the Christmas holidays. And that is a wonderful thing to look forward to for Baby Jasmine, as well as thousands of other kids.

So when we approach the holiday season next year, we will know that this vote, this legislation, has been responsible for placing so many of these kids in a permanent loving home.

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I want to close with the words of a 3-year-old. I stated these words when the original bill came to the House floor, but I cannot think of any words that express the meaning of what we are doing today better than these words from a 3-year-old. In meeting her adoptive family, the first family that she had ever known in her 3 years, her first comment, standing in front of them with her hands on her hips, saying, ''Where have you been?'' ''Where have you been?''

This bill is going to expedite this entire process and it is going to bring about the joy of adoption and the bonding of a real family to so many kids.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Florida [Mr. SHAW], that the House suspend the rules and agree to the resolution, House Resolution 327.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. LINDER. Mr. Speaker, pursuant to House Resolution 314, the following suspensions are expected to be considered today:

S. 738, Amtrak Reform and Accountability Act of 1997;

S. 562, Senior Citizen Home Equity Protection Act;

H.R. 3025, a bill to repeal the Federal charter of group hospitalization and medical services;

And the FDA reform bill.

PROVIDING FOR AN EXCEPTION FROM THE LIMITATION OF CLAUSE 6(d) OF RULE X FOR THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 326 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 326

Resolved, That upon the adoption of this resolution the Committee on Government

Reform and Oversight may have not more than eight subcommittees for the duration of the One Hundred Fifth Congress, notwithstanding clause 6(d) of rule X.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINDER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. LINDER. Mr. Speaker, this rule provides for an exception from the limitation of clause 6(d) of House rule X to permit the Committee on Government Reform and Oversight to temporarily establish an eighth subcommittee for the remainder of the 105th Congress.

When the House adopted the opening day rules package for the 104th Congress, it amended clause 6(d) of House rule X to require that no House committee shall have more than five subcommittees. As a result of this change, the number of subcommittees of standing committees fell from 118 in the 103d Congress to 84 in the 104th Congress.

However, the rule made an exception for the Committee on Government Reform and Oversight. The panel was authorized by the rule to have no more than seven subcommittees. The committee was granted the exception because it absorbed the functions of two standing committees, the District of Columbia Committee and the Post Office and Civil Service Committee, which the House also abolished as part of the opening day package of reforms.

The issues which were consolidated in the government reform panel are important, complex, and often contentious. This is particularly so with respect to the Census Bureau's plans for conducting the year 2000 decennial census. It is an issue that is so complex and contentious that it has held up passage of the Commerce, Justice, State appropriations bill until the very last day of this session.

The Committee on Government Reform and Oversight believes that the type of oversight that is needed over issues such as sampling, questionnaire content, and continuous measurement cannot be done effectively by the full committee or by its other subcommittees. Thus, the resolution will allow the committee to establish an eighth subcommittee to accommodate the need for extensive oversight over the census.

I share the concerns of some in the minority that we resist the temptation to expand the number of subcommittees in the House. Some will suggest that oversight of the census can be achieved by transferring that responsibility to another subcommittee, or by consolidating subcommittees to make room for a census subcommittee under the existing limit.

As I mentioned, the committee feels that effective oversight cannot be conducted under the existing subcommittee structure, and I am inclined to give the committee the benefit of the doubt.

But to protect against a permanent expansion of the committee bureaucracy, this resolution does not change the limitations of clause 6(d) of rule X. It simply provides for what will essentially be a 1-year exception for the purposes I just outlined.

I also believe that, irrespective of this temporary exemption, additional subcommittee downsizing is achievable, and that it would facilitate more integrated approaches to policymaking and oversight.

Further, it is my hope that the expenses needed to establish this temporary new subcommittee will, to the extent possible, be derived from the existing resources of the Committee on Government Reform and Oversight.

Given the unique nature of the request for this additional subcommittee and the safeguards against a permanent increase in committee bureaucracy, I urge the adoption of this rule.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, in the 103d Congress, as the chair of the Democratic caucus committee on oversight, study, and review, I was responsible for drafting the Democratic caucus rules that implemented most of the current limitations on the number of subcommittees that any committee may have. While working on this issue, I had the opportunity to review the history of the House on the issue of the number of committees and subcommittees. I found that in each major reorganization, the number of committees and subcommittees was reduced. However, in each case soon thereafter the number of each began to creep upward again. Therefore, it is of little surprise to me that the majority is beginning to retreat from its self-proclaimed reforms. What I do find surprising is that they are making this exception with so little thought and displaying a notable lack of planning and foresight.

At last night's Committee on Rules meeting, only the chair of the subcommittee that currently has oversight over the census testified. He was unable to tell us how much the additional subcommittee would cost. He was unable to tell us where the extra funds would come from. He was unable to tell us why the committee chose not to reorganize their seven subcommittees so that the subcommittee with the census would have fewer other areas of jurisdiction. He did not tell us why the committee's leadership when organizing the subcommittee for this Congress did not take into account the increased activity on the census. The decennial census does not take any of us by surprise. As my friends in the majority often remind us, the census is mandated in article I, section 2 of the Constitution. Did the committee leadership forget the census was coming up in the year 2000 when it organized? Or do we have a multitude of new issues regarding the conduct of the census?

Mr. Speaker, I testified at a 1989 hearing on the census. My testimony centered on the problems of the census undercount and its implications for a representative government such as ours. And what was the controversial topic at that time? This is 1989. Whether sampling should be used to correct the undercount.

Mr. Speaker, as Members can see, these issues, while very important, are neither new nor unable to be anticipated when the Committee on Government Reform and Oversight organized earlier this year. Perhaps the committee is forming an eighth subcommittee to request more resources from the House. If this were the case, one would hope that they would at least know how much they would need. But last night's testimony was that they did not know. We should remember that this committee, the Committee on Government Reform and Oversight, already has the largest budget and the largest staff of any of the committees funded through the legislative appropriations bill. Surely within its more than $20 million budget, which is an increase of 47 percent over the 104th Congress, and within its more than 134 employees, it could simply reallocate resources to the effort. But, no, we are told that we must make an exemption from the subcommittee limitation rule for the Committee on Government Reform and Oversight, a committee that already has two more subcommittees than most legislative committees. As the Member who for 4 years had the responsibility of reviewing changes in caucus and House rules, I know that sometimes flexibility is required. Exceptional, unforeseen circumstances can and do occur. However, this proposal does not meet any of the criteria that might warrant a rules exception. The census was clearly foreseeable. The committee has both the ability and the resources to reallocate jurisdiction among its current seven subcommittees to adjust for the increasing census workload. A proposal worthy of a change in House rules would include a proposed budget and staffing needs. From testimony at the Rules hearing last night, this proposed change has not been thought out even as to those basic, minimal requirements.

Mr. Speaker, this rules change itself is not that important. However, it does reveal the propensity shown by this supposedly conservative majority to simply change the House rules or, for that matter, the U.S. Constitution for convenience or for politics. A true conservative would join me in demanding a rigorous analysis of the need to change either. Certainly this proposal

does not meet that test. I ask my colleagues to reject this hasty, ill-conceived exemption from the House rules.

Mr. Speaker, I urge a ''no'' vote on the previous question. If it is defeated, I will offer an amendment to guarantee the House a separate vote on additional funding to what already is the most expensive committee in this House. I ask that the amendment be printed immediately before the vote on the previous question.

Mr. Speaker, I ask my colleagues to live up to their promises of accountability. Do not tap the slush fund. Vote ''no'' on the previous question so that the House will vote on additional funding.

Mr. Speaker, I include material on ordering the previous question, as follows:

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote.

A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan.

It is a vote about what the House should be debating.

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

The text of the proposed amendment is as follows:

PREVIOUS QUESTION FOR H. RES. 326—AMENDING CLAUSE 6(D), RULE X—ADDING AN 8TH SUBCOMMITTEE

At the end of the resolution, add the following new section:

''Sec. . Any funding provided pursuant to this resolution must be approved by the House.''

Mr. RANGEL. Mr. Speaker, I rise in support of H.R. 867, the Adoption and Safe Families Act of 1997 because I believe it can improve the lives of many children who find themselves in foster care. Congresswoman BARBARA KENNELLY and Congressman DAVID CAMP deserves our thanks for pulling together a bill that enjoys broad bipartisan support—and for negotiating a good compromise with our Senate colleagues.

H.R. 867 makes commonsense improvements in our child welfare and foster care laws. It makes clear that, in making a reasonable efforts to reunify a family, the child's is paramount. It reauthorizes the capped entitlement funds that we have set aside to preserve and reunify families and promote adoption. It extends health insurance to those children with special needs who cannot be adopted without such coverage. And, it creates an incentive system that will reward those States that increase the number of children who are adopted out of foster care. These are all good reforms, and long overdue.

H.R. 867 may have an even more dramatic effect on the lives of children in foster care. Its success depends, in large measure, on how the States implement the provisions of this new law. It can reduce the number of children in foster care if State's take seriously our instruction to begin proceedings to terminate parental rights sooner under certain circumstances. But, handled the wrong way, this new requirement could just as easily spell disaster.

If the end result of this requirement is to flood the courts with requests to terminate parental rights, we will have done little to help these children. And, if States make excessive use of their authority to ignore these requirements when there is a compelling reason to do so, little will have been accomplished. A delicate balancing act is required, for each and every child, to make certain that we have done all that we can to assure that these children have the happiest, healthiest home environment possible.

Let me also comment on the provision of the bill that addresses adoption of children across State lines. The folklore would have it that States hold on to children who could otherwise be adopted out of State because they don't want to give up the Federal foster care payment. More likely, they fear that they cannot adequately monitor these placements. Whatever, the reason, this bill makes clear that geographically alone should not be a barrier to adoptive placement.

This provision deliberately does not mirror the language of the Multi-Ethnic Placement Act—which calls for States to follow a first come, first served approach to adoptions, turning a blind eye to race and ethnicity. My views on that act are clear. Our paramount concern should be what is best for the child, not what is best for the adults who may be waiting to adopt that child.

H.R. 867 makes clear that we are not applying this shortsighted, first come, first served approach to adoptive placements across State lines. We leave in the hands of the professionals decisions about what the best placement is for the child and instruct States to take steps to eliminate any arbitrary barriers to adoption across State lines. This, in my view, is a far more responsible, and practical approach that was taken in the Multi Ethnic Placement Act.

Mr. Speaker, more than half a million of our children are in foster care today, twice as many as were in care in the mid 1980's. With a little support from us, most of these children will return home. For those that cannot, the adoption provisions of H.R. 867 can make a difference. A happy, healthy permanent home is our goal—for every one of these children.

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

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 194, not voting 18, as follows:

[Roll No. 633]

YEAS—220

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

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett

Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—18

Combest
Cubin
Flake
Gephardt
Gonzalez
Houghton
Johnson, E. B.
Matsui
Millender-McDonald
Mink
Pelosi
Riggs
Riley
Schiff
Scott
Smith (OR)
Stark
White

☐ 1147

Mr. SHAYS changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the resolution.

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair announces that this will be a 15-minute vote, and, without objection, the vote on the motion to suspend the rules and agree to House Resolution 327 will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—ayes 219, noes 195, not voting 18, as follows:

[Roll No. 634]

AYES—219

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

NOES—195

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

NOT VOTING—18

Bartlett
Buyer
Combest
Cubin
Flake
Gephardt
Gonzalez
Houghton
Johnson, E. B.
Matsui
Millender-McDonald
Mink
Riley
Schiff
Scott
Smith (OR)
Stark
White

☐ 1205

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2977. an act to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

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

S. 927. An act to reauthorize the Sea Grant Program; and

S. 1349. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova,* and for other purposes.

RESIGNATION AS MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE AND COMMITTEE ON SCIENCE

The SPEAKER pro tempore (Mr. MILLER of Florida) laid before the House the following resignation as a member

of the Committee on Transportation and Infrastructure and the Committee on Science:

HOUSE OF REPRESENTATIVES,
November 7, 1997.

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

DEAR MR. SPEAKER: Please accept my resignation from the Committee on Transportation and Infrastructure and the Committee on Science.

Sincerely,

BUD CRAMER,
Member of Congress

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a resolution (H. Res. 328) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 328

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Appropriations, Robert ''Bud'' Cramer of Alabama.

To the Committee on the Budget, David Price of North Carolina.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADOPTION AND SAFE FAMILIES ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 327.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. SHAW] that the House suspend the rules and agree to the resolution, House Resolution 327, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 7, not voting 19, as follows:

[Roll No. 635]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
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McCarthy (MO)
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Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
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Turner
Upton
Velazquez
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Walsh
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Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—7

Cannon
Gordon
LaHood
Manzullo
Mink
Paul
Wamp

NOT VOTING—19

Armey
Buyer
Combest
Cubin
Flake
Gephardt
Gonzalez
Houghton
John
Johnson, E. B.
Maloney (CT)
Matsui
Riley
Schiff
Scott
Smith (OR)
Stark
Weldon (PA)
White

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Mr. WAMP changed his vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, during rollcall vote nos. 633–635 on House Resolution 326 and 327 I was unavoidably detained. Had I been present I would have voted ''no'' on 633, ''no'' on 634, and ''yes'' on 635.

ANNOUNCEMENT OF SENATE BILL TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. MCCOLLUM. Madam Speaker, pursuant to House Resolution 314, the following suspension is expected to be considered today: S. 927, on sea grants.

ESTABLISHMENT OF 2,500 BOYS AND GIRLS CLUBS BEFORE 2000

Mr. MCCOLLUM. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1753) to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000, as amended.

The Clerk read as follows:

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

SECTION 1. 2,500 BOYS AND GIRLS CLUBS BEFORE 2000.

(a) IN GENERAL.—Section 401(a) of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking paragraph (2) and inserting the following:

''(2) PURPOSE.—The purpose of this section is to provide adequate resources in the form of seed money for the Boys and Girls Clubs of

America to establish 1,000 additional local clubs where needed, with particular emphasis placed on establishing clubs in public housing projects and distressed areas, and to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation not later than December 31, 1999.''.

(b) ACCELERATED GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended—

(1) in subsection (b)(2), by striking ''or rural'' and all that follows through the end and inserting the following: ''rural area, or Indian reservation with a population of high risk youth as defined in section 517 of the Public Health Service Act (42 U.S.C. 290bb–23) of sufficient size to warrant the establishment of a Boys and Girls Club.''; and

(2) by striking subsection (c) and inserting the following:

''(c) ESTABLISHMENT.—

''(1) IN GENERAL.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall make a grant to the Boys and Girls Clubs of America for the purpose of establishing and extending Boys and Girls Clubs facilities where needed, with particular emphasis placed on establishing clubs in and extending services to public housing projects and distressed areas.

''(2) APPLICATIONS.—The Attorney General shall accept an application for a grant under this subsection if submitted by the Boys and Girls Clubs of America, and approve or deny the grant not later than 90 days after the date on which the application is submitted, if the application—

''(A) includes a long-term strategy to establish 1,000 additional Boys and Girls Clubs and detailed summary of those areas in which new facilities will be established, or in which existing facilities will be expanded to serve additional youths, during the next fiscal year;

''(B) includes a plan to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation before January 1, 2000;

''(C) certifies that there will be appropriate coordination with those communities where clubs will be located; and

''(D) explains the manner in which new facilities will operate without additional, direct Federal financial assistance to the Boys and Girls Clubs once assistance under this subsection is discontinued.''.

(c) ROLE MODEL GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by adding at the end the following:

''(f) ROLE MODEL GRANTS.—Of amounts made available under subsection (e) for any fiscal year—

''(1) not more than 5 percent may be used to provide a grant to the Boys and Girls Clubs of America for administrative, travel, and other costs associated with a national role-model speaking tour program; and

''(2) no amount may be used to compensate speakers other than to reimburse speakers for reasonable travel and accommodation costs associated with the program described in paragraph (1).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from Texas [Ms. JACKSON-LEE] will each control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1753, the bill under consideration.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

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

Madam Speaker, H.R. 1753, which was introduced by the gentleman from Illinois, Chairman HYDE, would amend a provision that acted as part of the Economic Espionage Act of 1996, which authorized $100 million in Federal seed money over 5 years to establish an additional 1,000 Boys and Girls Clubs in public housing and distressed areas throughout the country.

H.R. 1753 would make several administrative changes to current law, streamlining the application process for the clubs, and permitting a small amount of the funds to be used to establish a role model speakers program to encourage and motivate young people nationwide.

The primary purpose of this program is to ensure that at least 2,500 Boys and Girls Clubs are established by the year 2000. Because the goal is expected to be realized through the existing authorization of the 1996 act, H.R. 1753 does not require new Federal spending. As of 1996, there were 1,800 Boys and Girls Clubs facilities in the United States.

Congress has been supportive of Boys and Girls Clubs of America for a number of years because it has shown itself to be an impressive private sector program that really makes a difference in the lives of young people. Boys and Girls Clubs have a fantastic reputation for establishing effective community programs that assist youth in developing into hardworking, caring, and law-abiding citizens.

Recent research at Columbia University has shown that Boys and Girls Clubs have been highly successful in reducing drug activities and juvenile crime in public housing developments. Members of Boys and Girls Clubs also do better in school and are less attracted to gangs.

The importance of Boys and Girls Clubs in fighting drug abuse, gang recruitment, and moral poverty cannot be overstated. Indeed, Federal efforts are already paying off. Using over $15 million in Federal seed money appropriated in 1996, the Boys and Girls Clubs opened 208 clubs in 1996. These clubs are providing positive places of safety, learning, and encouragement for about 180,000 more kids than the year before.

In my home State of Florida, these funds have helped open 23 new clubs and keep an additional 25,000 kids away from gangs, drugs, and crime. Two hundred more clubs are expected to be established as a result of this year's $20 million appropriation.

H.R. 1753 builds on Congress' continued efforts to ensure that, with Federal seed money, the Boys and Girls Clubs of America is able to expand to serve an additional 1 million young people through at least 2,500 clubs by the year 2000.

I want to take a moment to emphasize that this program only provides seed money for the construction and expansion, actual bricks and mortar, of Boys and Girls Clubs across the country. Once the clubs are open, they will operate without significant Federal funds. The reason Boys and Girls Clubs have been successful and the reason Congress wants to do more for them is because they are locally run and dependent primarily on community involvement for their success.

In an era where billions are being spent on bloated, never-ending federally-run programs, support of the Boys and Girls Clubs is a short-term yet significant way that serves as a model for the proper role of the Federal Government in crime prevention.

H.R. 1753 has a companion bill, S. 476, sponsored by Senator HATCH. S. 476 passed the Senate without amendment by voice vote on May 15, 1997. If the House passes H.R. 1753, I will ask unanimous consent that the House move to strike all after the enacting clause of the Senate bill, S. 476, and insert in the text the House-passed version of H.R. 1753. This is a customary practice and would allow the House to send S. 476 back to the Senate with the text of the House-passed bill as amended.

Madam Speaker, this is a bipartisan proposal that I urge my colleagues to support.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the chairman of the subcommittee, the gentleman from Florida [Mr. MCCOLLUM], the gentleman from Wisconsin [Mr. BARRETT], and the ranking member of the subcommittee of the Committee on the Judiciary on this issue.

There is no doubt that all of us are concerned about preventative measures for taking our children off the streets. This is a very worthwhile bill. This bill will speed the distribution of funds to Boys and Girls Clubs, which are some of the most valuable nonprofit institutions in many of our communities.

On a personal note, I have served on the board of directors of the Boys and Girls Club in Houston and saw the merging of the girls and boys club to make it the Boys and Girls Club in our community.

The Boys and Girls Club of America was founded in 1906. There are now more than 1,800 Boys and Girls Clubs throughout the United States. This Federal funding will support the creation of another 1,000 clubs. This is certainly not a bill of special interests. I understand that the Justice Department appropriations bill that we will vote on later today will have $20 million for this program, and I applaud that.

I only wish, as we proceed, and I will inquire of the chairman of the subcommittee, that we can be open to funding a broader array of initiatives

like this. The truth is that programs like the Boys and Girls Club have proven to be one of the most effective ways to keep young people away from drugs and gangs and on the road to a productive adulthood.

The Manhattan Institute, for example, which is a conservative think tank, recently released a report by a task force headed by Bill Bennett, also someone who is generally thought to be fairly conservative. They did an intensive study of three crime prevention programs, the Big Brothers and Big Sisters mentoring program, a church-run program in Boston, and an early intervention program in Pittsburgh.

They found that these programs dramatically reduced the level of gang and crime involvement by the young people who were fortunate enough to have access to the program. The problem, of course, is that these programs can reach only a fraction of the kids who are at risk.

So when I see the bill before us today, it certainly is a step in the right direction, but we realize that we must go further. Look, for example, at the youth recreation leagues and after-school programs that were part of the 1994 crime bill but yet have been defunded in 1995. Certainly the Rand study commits us to realizing that prevention is worth an ounce of cure.

So I commend this bill, I commend the leadership on this bill, and before I yield my time or reserve my time, Madam Speaker, I would like to inquire of the chairman of the subcommittee and raise a question with him.

Our community came together in Houston under the leadership of our present mayor and city council and recognized that not only was the Boys and Girls Club very important, but the Boy Scouts and Girl Scouts, and they also found something else that tickled the fancy of our children, recreation; recreation for the physically challenged, recreation for the inner-city youth, recreation for the suburban youth within the city limits.

We organized basketball and soccer and Little League. We committed ourselves to the Zena Garrison tennis program. Now we have about 80,000 youngsters throughout the city of Houston in all manner of recreational programs, keeping them off the streets, keeping our parks open after school into the late hours.

Madam Speaker, I would simply ask the question of the gentleman from Florida [Mr. MCCOLLUM], as we are able to discuss this very important bill and pass it today, the opportunities for reviewing and supporting programs like that throughout our Nation.

Mr. MCCOLLUM. Madam Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Madam Speaker, I thank the gentlewoman for yielding to me.

Madam Speaker, programs such as the gentlewoman describes exist in a variety of forms throughout the Nation, not just in Houston but in most cities. They are, that is the underlying word, a variety of forms to help occupy our youth and combat crime.

I fully support them, as the gentlewoman does. That is why we have the community block grant program under the crime legislation we have passed for a couple of years now, with a lot of Federal money going back to the communities, letting them decide individually what programs are best for them.

I am sure that Houston, as the other communities in our country, will decide that many of the programs such as the gentlewoman has described are worthy of support. Boys and Girls Clubs happen to be one that is universally accepted and is around the entire country. We are very pleased that we can particularly target that, because we know that it is effective in every community. Other programs are different in different communities, but the funds are there. We will continue to support them.

Ms. JACKSON-LEE of Texas. I thank the chairman. So I understand that he is saying that those particular programs with community effort and coordination could make application to the Justice Department under those crime prevention programs?

Mr. MCCOLLUM. Madam Speaker, if the gentlewoman will continue to yield, the way the block grant program works is that the money goes to the city of Houston or to the county, and I do not know the name of the gentlewoman's county, for example, and they have a board and a system, the county commissioners, city commissioners. They can decide whether to spend the money on police or on some of those prevention programs or however they want to spend it. They make those decisions, not the Justice Department.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of H.R. 1753. As a member of the Judiciary Committee and of the Subcommittee on Crime, through which this legislation passed, I was pleased to see this worthy piece of legislation receive broad bipartisan backing. I want to thank both Chairman HYDE and Chairman MCCOLLUM for their leadership in moving H.R. 1753 forward to the floor.

In 1996, Congress authorized $100 million in Federal seed money over 5 years to establish an additional 1,000 Boys and Girls clubs in public housing and distressed areas throughout the country. H.R. 1753 now makes administrative changes to current law, streamlining the application process for the clubs and ensuring that at least 2,500 clubs are established by the year 2000. At the end of 1996 there were 1,800 Boys and Girls clubs facilities in the United States.

In every community there are hundreds of boys and girls left to find their own recreation and companionship in the streets. An increasing number of children spend many hours alone with no adult care or supervision. Young people need to know that someone cares about them and that there are concerned and capable adults to whom they can turn. Boys and Girls clubs offer that and more.

Boys and Girls clubs are a tested and proven nationally recognized program that addresses today's most pressing youth issues—teaching young people the skills they need to succeed in life. Boys and Girls clubs provide young people access to programs on the education and the environment, health, the arts, careers, alcohol and drug prevention, pregnancy prevention, gang prevention, leadership development, and athletics.

The Boys and Girls clubs of America have served 2.6 million children: 71 percent live in urban/inner-city areas; 53 percent live in single-parent families; 42 percent come from families with annual incomes below $22,000; 51 percent live in families with three or more children; 56 percent are from minority families; 16 percent are 7 years and under; 34 percent are 8 to 10-years-old; 29 percent are 11 to 13-years-old; 21 percent are 14 to 18-years-old; and 62 percent are boys, 38 percent are girls.

It is a remarkable fact, and one meriting our remembrance, that it costs approximately $200 per youth per year to run a Boys and Girls club. It costs between $25,000 and $75,000 a year to keep a young adult in jail for 1 year. This is evidence that the Boys and Girls clubs—a proven delinquency prevention program—are a terrific bargain.

Madam Speaker, this is a bill that I truly believe can and should be supported by all of my colleagues. I urge each of you to vote in favor of H.R. 1753.

Ms. JACKSON-LEE of Texas. Madam Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER], a member of the committee.

Mr. BUYER. Madam Speaker, I appreciate the discussion from the gentlewoman from Houston, because I remember back in the 1994 crime bill discussion and the whole issue about midnight basketball and crime prevention programs. And what the dispute was about at the time was the Federal Government having a one-size-fits-all program, saying, here is the criteria and you force it down, and force all communities in America to comply with this standard that is set out here in Washington.

The Republican philosophy is that in fact we support prevention programs. What we do not appreciate is the arrogance of the Federal Government in Washington dictating to our communities what they should and should not do.

So that is why I compliment the leadership of the gentleman from Florida, Mr. BILL MCCOLLUM, basically sending that message out. I remember his debates while he was in the minority during the crime bill, and he felt as though he was a voice with no one listening, but I was listening, and I think many in America in fact were.

When we look out there, there are only so many different things that we have. We have the education, prevention, rehabilitation, retribution, restitution, deterrence, and there was this overfocus, overfocus on the rehabilitative side and prevention and education, to the point where they began to be coddling the criminal.

Then we took a step back and said, wait a minute, let us bring better balance to the judicial system. So when Republicans took over the Congress, we then tried to bring back some stability to the justice system.

When we looked at the juvenile crime issue, and compliments to the Subcommittee on Crime going out in 1996 and conducting their regional forums around the country, we learned that there is a growing escalation on juvenile crime, and that is a concern. So how do we address that?

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Well, we can address it on many different fronts. But, in particular, let us not forget the issue on prevention. Republicans support prevention programs. That is the message here. So I have gone through those debates, and I have heard from this side of the aisle that like to bash Republicans in saying, ''They do not support prevention,'' ''They do not care.'' That is false.

When we are in our communities and we see the growing need, that is why I am so pleased that there is a bipartisan legislation here on the floor today to escalate the number of Boys and Girls Clubs in America. The FBI states that the trend, if it continues as we have over the past 10 years, juvenile arrests for violent crime will more than double by the year 2010. The FBI predicts that juvenile arrests for murder will increase 125 percent, forcible rape arrests will increase 66 percent, and aggravated assault arrests will increase 129 percent. Those are pretty startling numbers.

This dramatic increase in youth crime has occurred in the midst of a declining youth population, a trend soon to change. In the final years of this decade and throughout the next, America will experience a population surge made up of the children of today's aging baby-boomers. Today's enormous cohort of the 5-year-olds, in fact, become tomorrow's teenagers.

So this legislation is extremely important. It is much needed to authorize the Boys and Girls Clubs of America. This organization is providing a place for social interaction and recreation of our young people. I know that in my district, which is a predominantly rural district, in some communities many young people simply have no place to go to make constructive use of their time. And what is a proven statistic is that more than half of all crimes against teenagers occur on or near schools. Boys and Girls Clubs provide a place for positive influences to permeate a young person's life. In other words, we want a child to have a role model for whom they can identify with, hands on, not some role model that plays basketball or football or they only idolize. An actual role model that they can see within their community is what is extremely important here.

This bill also includes an amendment that I offered in the Committee on the Judiciary to ensure that rural areas are capable of qualifying to have Boys and Girls Clubs. We understand that the growing problems that we have in our urban areas to include the inner city and public housing, but we also want to make sure that in rural America we do not have a growing escalation of juvenile crime.

I have visited those juvenile detention centers in my congressional district, and it is very painful to stand there and peer through the little window and we see these 12-, 13- and 14-year-olds in jumpsuits, and we look at those big brown eyes, but what we really see behind them, though, is some anger. And they really need someone to reach out to. I sit there, and as I look through there and I see them, I think if only this community would, in fact, have had a Boys and Girls Club, how many of these children could we have changed their life and had a positive influence.

So let me compliment the gentleman from Michigan [Mr. CONYERS] and in particular the gentleman from Illinois [Mr. HYDE] and the gentleman from Utah [Mr. HATCH] in the Senate for bringing this legislation, and the gentleman from Florida [Mr. MCCOLLUM]. This is truly needed, and it is a compliment to the gentleman from Florida [Mr. MCCOLLUM] for bringing this today.

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

Ms. JACKSON-LEE of Texas. Madam Speaker, might I inquire the amount of time remaining for me and the gentleman from Florida [Mr. MCCOLLUM]?

The SPEAKER pro tempore (Mrs. EMERSON). The gentlewoman from Texas [Ms. JACKSON-LEE] has 14 minutes remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 11 minutes remaining.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself 15 seconds.

I certainly appreciate the affirmation of the previous speaker to the importance of intervention and prevention. I would like to reaffirm the fact that the major debate on this issue came in the 1994 crime bill passed by a Democratic Congress and President and the support of the Rand study that says prevention is the way we should be directed.

Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. BARRETT], who is a lead Democratic sponsor of this legislation.

Mr. BARRETT of Wisconsin. Madam Speaker, I rise today in support of House bill 1753, a bill that will continue the effort that Congress began last year to provide kids throughout America with a safe, productive, and healthy place to go after school and on weekends.

Last year's legislation authorized Federal seed money to support the Boys and Girls Clubs of America 5-year plan to establish 1,000 new clubs by the year 2000, bringing the total number of clubs to 2,500. This bill will streamline the application process for new clubs and allow a small portion of the funds to be used to establish a role model speakers program.

I commend the gentleman from Illinois [Mr. HYDE] for his sponsorship of this legislation. It is truly a bipartisan bill and has received no opposition in committee. The Boys and Girls Clubs of America have been recognized as an efficient organization, advancing a cause that we can all support. The organization is dedicated solely to youth, with a special emphasis on those kids who are at risk. Fifty-three percent of the kids who are members of Boys and Girls Clubs come from single-parent families. Fifty-six percent are from minority families. And forty-two percent come from families with annual incomes below $22,000 a year.

The Federal commitment to Boys and Girls Clubs provides $20 million per year for 5 years to establish new clubs. Once clubs are opened, they operate without significant Federal support. Relatively speaking, this is a modest commitment when we look at the amount spent on the No. 1 enemy of our Nation's youth.

Our Nation's drug czar, General McCaffrey, earlier this week said that Americans spent an estimated $57 billion on illegal drugs. Our commitment to the Boys and Girls Clubs of America will provide millions of kids with a healthy alternative to crime and drug abuse. We know that after school hours are the most dangerous time for our children. I sure would much rather see our young kids shooting baskets than shooting each other. And I would much rather see our kids pounding keys on a computer than pushing drugs.

Madam Speaker, there is one more point that has to be made. While young people are more likely than any other group to commit crime, we must remember that they are also the most likely age group to be victimized by crime. A Columbia University study revealed the impressive impact of Boys and Girls Club located in public housing. Areas with these clubs saw a 13-percent decrease in juvenile crime and 22 percent decrease in drug activity. These numbers translate into safer streets and a generation of youth that are less likely to fall into trouble with crime and drugs.

Madam Speaker, I appreciate this opportunity to support our Nation's young people. This is a commitment that we should continue. I urge my colleagues to support this bill.

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

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Madam Speaker, I thank the gentlewoman from Texas for yielding me the time.

I rise, obviously, in strong support of this legislation. I presume there will be unanimous support for this legislation. As one who has been involved in the Boys and Girls Clubs through many

years and who was himself a participant in the Miami Boys and Girls Club when I was in my very early teens, I can attest to the effectiveness of these organizations.

In recent years, I have cochaired the breakfast held annually on Capitol Hill with Senator STROM THURMOND. As we all know, the Boys and Girls Clubs are authorized under a congressional act and chartered under a congressional act; and, so, they submit annually a report to the Congress of the United States. It is one of the best breakfasts that I attend during the year, because at that point in time, they cite from four regions of the country outstanding young people. Invariably, those young people have overcome incredible obstacles to become outstanding young people, both academically, athletically, civically. They contribute mightily as young people to their peers and mightily to the strength of this Nation.

This effort, therefore, is a very worthwhile effort, which, for a relatively modest investment, will pay off incredibly large dividends. Investing in our young people clearly is the best investment that we citizens can make. Investing tax dollars in our young citizens is one of the best application of tax dollars that we can make, and, in my opinion, an investment strongly supported by the American people.

So I am very pleased to join the gentleman from Florida [Mr. MCCOLLUM], the gentlewoman from Texas [Ms. JACKSON-LEE] and the committee in putting forth this bill, which will have great positive impact on the future of our country.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman from Maryland [Mr. HOYER] for his leadership with the Boys and Girls Club of America.

Madam Speaker, I yield 3½ minutes to the gentlewoman from California [Ms. WATERS], the distinguished chairman of the Congressional Black Caucus.

Ms. WATERS. Madam Speaker, I rise to join with all of my colleagues on both sides of the aisle to support the Boys and Girls Clubs of America. Is it not wonderful to have something on the floor that we can all agree on?

I do not need to tell my colleagues about all of the advantages of the Boys and Girls Clubs of America. But I first need to stop and thank Denzel Washington. Denzel Washington is one of the finest artists-actors in Hollywood, and he is the national spokesperson for Boys and Girls Clubs of America. He is the national spokesperson because his life was changed because of the attention he received from the Boys and Girls Clubs of America in his neighborhood when he was growing up. So I get to thank him on this floor today and say to him that his leadership is what helps to bring us to this kind of movement, where we have Democrats and Republicans together to say that it is about time we pay attention to our young people.

It is a good thing that we do here today to invest in our young people. We talk about children and young people all the time, but seldom do we really put the money where our mouths are. Today, we agree on resources. We agreed that $100 million will be given to Boys and Girls Clubs back in 1996, with $20 million for 1997, $20 million for 1998, leading up to the year 2000, when we should have appropriated the entire $100 million.

I am very pleased and proud to be on the floor today not arguing against something, not fighting with somebody about something, but rather joining hands with both sides of the aisle to say, this is for the children, this is for the boys and girls of America, inner city, rural America.

Mr. HOYER. Madam Speaker, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Maryland.

Mr. HOYER. Madam Speaker, I thank the gentlewoman from California [Ms. WATERS] for yielding.

I want to join her very appropriate comments regarding Denzel Washington, who has been a really outstanding leader.

Also, we ought to mention Colin Powell. This is one of the first boards that he joined among thousands that he was requested to join. So many people understand the worth of this organization and, therefore, join in it.

And I want to congratulate the gentlewoman from California [Ms. WATERS] herself, who is a leader in this country of national renown, who herself has joined in this effort, and I thank her for her efforts.

Ms. WATERS. Madam Speaker, reclaiming my time, let me just say that in the State of California, when I was in the California State assembly, I had a piece of legislation that was signed into law that appropriated dollars for capital outlay for Boys and Girls Clubs. We discovered that the roofs were falling in, that they needed more space, that they needed air conditioning, et cetera, et cetera. And we were able to do that. We got matching grants from the private sector that helped to expand the Boys and Girls Clubs and their ability to provide the services to the young people that they are organized to do.

So this reminds me of that bill when I was in Sacramento and what we were able to do with capital outlay. This goes even further than that.

I would like to thank Members on both sides of the aisle and my Republican friends that I can call friends today, maybe not tomorrow, but today for this bill. I thank them all very much.

□ 1245

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself 1 minute to simply thank the gentleman from Illinois [Mr. HYDE], the gentleman from Florida [Mr. MCCOLLUM], the gentleman from Michigan [Mr. CONYERS], the gentleman from New York [Mr. SCHUMER] and the sponsors of this legislation that exhibits bipartisanship. I think it is important to reemphasize that the issue of intervention and prevention has to be the call of the day for preventing juvenile crime.

I am reminded of the Riggs-Scott bill, H.R. 1818, that can bring about the opportunity for individual communities to raise up programs to secure moneys to prevent juvenile crime. We want to encourage them, and we certainly appreciate the establishment or expanding of Boys and Girls Clubs. They have done such a great job. My applause to Denzel Washington and Colin Powell for all the work they have done.

Madam Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS], the esteemed ranking member of the Committee on the Judiciary.

Mr. CONYERS. Madam Speaker, this is a great moment in American legislative history. The vibes are wonderful. When the gentleman from Florida [Mr. MCCOLLUM], the gentlewoman from Texas [Ms. JACKSON-LEE], the gentlewoman from California [Ms. WATERS], the gentleman from Indiana [Mr. BUYER], the gentleman from Wisconsin [Mr. BARRETT] and the gentleman from Maryland [Mr. HOYER] all get together, we know we are doing the Lord's work.

Madam Speaker, I want to ask the gentleman from Florida [Mr. MCCOLLUM], the subcommittee chairman, is it correct that the Justice bill is being held up because there are $750 million in for adult prisons, $87 million in for juvenile prisons, $250 million in for juvenile justice grant programs, 35 percent of which is to be used for juvenile prisons?

Mr. MCCOLLUM. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. My understanding is the State-Justice-Commerce appropriations bill, if that is what the gentleman is referring to, is now in progress and is coming to the floor. I do not think it is being held up at the moment at all.

Mr. CONYERS. I feel better already. We are off to a good start. Everybody agrees Boys and Girls Clubs are great. All I want to do now is to keep us all focused in the second term of the 105th Congress and we take a little look at the police athletic leagues, at the other organizations that may be youth recreation leagues and after-school programs that might also deserve this attention for the very same reasons that the Boys and Girls Clubs are getting it. Could I ask my dear friend from Florida if he can keep his horizons open in the next year if we find other equally deserving organizations?

Mr. MCCOLLUM. I certainly support, as I indicated to the gentlewoman from Texas, many of the prevention programs and the organizations around the country. This one has a Federal

charter, as the gentleman knows. I find the grant programs, both the community direct block grant program we have as well as the grant program moving through Congress now with regard to the Office of Juvenile Justice links provision, to be very good devices for this purpose.

Mr. CONYERS. So I take it the answer is yes, the gentleman will be looking with me at other deserving organizations? Some may not be chartered, but that does not make them less deserving.

Mr. MCCOLLUM. I would support and do support a lot of these programs, but I want the cities and the counties and the States to decide which ones get the money rather than the gentleman and I, unless they are an exceptional longstanding Federal charter program like this one. I do favor the prevention programs; I just do not want to make the decision here in Washington on which one gets it.

Mr. CONYERS. Madam Speaker, people like the gentleman and I are not known for dictating to the States and local governments. So if we look at it together, if we find another one, maybe even just one, and then we could kind of move it along. The gentleman gets the drift.

Let us keep the lights on and celebrate Boys and Girls Clubs, and if there is anybody else that deserves it. If they are undeserving, not a nickel do they get. If they do not have strict accounting procedures, ''Sorry, you don't qualify.'' But if they are really good and meet all of our criteria, we might send a few nickels out to some others. Why not?

Everybody says it does many good things. It is stopping kids from going down the wrong track. There is not a man, woman or child that is against that. I too weigh in with my full, unqualified, unstinting support. I thank both of the leaders in the Committee on the Judiciary who managed this bill.

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

I just want to point out a couple of things to my good friends and colleagues. This side of the aisle does strongly support prevention programs and particularly programs like Boys and Girls Clubs of America that work well.

As the gentleman from Indiana [Mr. BUYER] stated a few moments ago, we had quite a battle with the other side in 1994 over the crime bill because many of us felt then that the efforts being made at the Federal level to provide for applications for these prevention programs in fighting crime to the Justice Department and the Federal Government on a case-by-case, program-by-program basis, with the Federal Government having decided by name which programs would qualify for the money and which would not, we thought that was a very bad idea. We wanted to abolish and do away with that.

As most of my colleagues know, that has indeed been done since the Republicans have been a majority in Congress. We have abolished that scheme of things in the prevention program area.

Today we go with twin programs dealing with prevention. Still, there are some name programs around, but for the most part the block grants, the $500 million a year going out to the States, actually to the counties and the cities for their governments to decide how to spend the money to fight crime, some of which, depending on their choices, could be spent on prevention programs, some of which might be spent on police or prisons or no telling what, but it is their choice. And then the juvenile delinquency prevention programs in the bill that passed the House and is now pending in the Senate, and is funded in the Commerce-State-Justice appropriations bill we will have out here a little later today, this is a set of programs also designed for prevention. A very large amount of money goes for prevention in our Federal system, some $4 billion a year. We do strongly support that.

But this bill today is a special case. Boys and Girls Clubs of America has a Federal charter. We have revised that charter today by providing easier access for these clubs to be able to build the new ones they are going to, taking out a lot of the complications of bureaucracy, applications to the Housing and Urban Development Department and so on. We need to pass the bill.

I also want to remind my colleagues that not only is Denzel Washington and a couple of others named a leading spokesperson for Boys and Girls Clubs of America, he is an alumnus of it. There are many distinguished alumni in the entertainment and sports world. I could not begin to list all of them or we would be here the rest of the afternoon.

Some include George Burns, because the clubs go back to 1906, and the late George Burns was a Boys and Girls Club member; Bill Cosby, Danny DeVito, George Lucas, Walter Matthau, Leonard Nimoy, Robin Williams, to name a few entertainers. In the sports world, in football, people like Bart Starr, Lynn Swann, Steve Young. In baseball, Jose Canseco, Joe DiMaggio, Alex Fernandez, Tom Glavine, David Justice, Fred McGriff, just to name a few. In basketball, Penny Hardaway, Michael Jordan, Shaquille O'Neal, the list goes on and on. All have been members of Boys and Girls Clubs at one time in their lives and benefited from this fine organization that has a Federal charter.

We are just making it easier today to reach the goal by the year 2000 of establishing 2,500 more of these clubs by streamlining the process. This is a procedural but a very important procedural bill. I urge my colleagues to pass it today.

Ms. JACKSON-LEE of Texas. Madam Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I do want to emphasize to the chairman of the Subcommittee on Crime that this is a bipartisan bill. I appreciate his statement and expression of the Republicans' viewpoint on prevention and intervention. I hope that we can continue to work together.

Might I just simply present for the record that maybe we will reserve judgment on how block grants will work. I understand the intentions of them, but I think we should monitor whether our local jurisdictions or States use more of those funds for prison building than prevention, especially when we all seem to have come together to realize that prevention and intervention is key and should take a high priority in the distribution of these funds.

I thank the gentleman for yielding.

Mr. MCCOLLUM. If I may reclaim my time, I might add that none of our local block grant moneys are used for prisons. They are and can be used for a variety of things beyond prevention. I certainly will monitor those programs with the gentlewoman. I do believe that for the most part local communities know best how to fight crime and should make that decision.

But, nonetheless, this bill is not about that. It came up today in debate for other reasons, and I have not discussed it so I decided to do so at the end because it had been raised. Today we are about passing a very fine bill to improve the process whereby more Boys and Girls Clubs of America can be added under their Federal charter. I urge the adoption of this bill.

Mr. HYDE. Mr. Speaker, I rise today to urge my colleagues to support H.R. 1753, legislation that will further Congress' support for the expansion of Boys and Girls Clubs of America—one of the best examples of proven youth crime prevention. This legislation is part of a continuing initiative to ensure that—with Federal seed money—Boys and Girls Clubs of America can expand to serve an additional one million young people through at least 2,500 clubs by the year 2000.

We are all aware that young people need a safe, positive, environment to help them avoid the dangers of crime and violence, and Boys and Girls Clubs of America provides a safe haven for 2.6 million children. Indeed, Boys and Girls Clubs of America has received widespread recognition as one of America's most efficient charities.

Last year, Congress recognized the value of Boys and Girls Clubs when we authorized $100 million in seed money over 5 years to establish more clubs in public housing and distressed areas throughout the country. Currently, 90 percent of Boys and Girls Clubs funding comes from the private sector. The seed money provided by Congress is being used for start-up costs and program enhancements.

H.R. 1753 would make several administrative changes to current law—streamlining the application process for clubs to obtain seed money and ensuring that at least 2,500 clubs are established by the year 2000. The bill would also permit a small amount of funds to

be used to establish a role-model speakers' program to encourage and motivate young people nationwide.

The Senate passed a companion bill sponsored by Senator HATCH—S. 476—without amendment by voice vote last May. On October 29, the Judiciary Committee ordered H.R. 1753 reported—with one minor amendment—by a voice vote. The amendment clarifies that clubs can be established in rural areas and Indian reservations that have significant populations of high risk youth.

Mr. Chairman, this is a terrific bill that enjoys bipartisan support, and I want to compliment my colleague from Wisconsin—TOM BARRETT—for the work he has done on behalf of the Boys and Girls Clubs America. I urge the House to pass this bill so that we can foster one of the best ways of stopping crime and helping children that I know of.

Ms. SANCHEZ. Mr. Speaker, I rise to commend my colleagues in the House for passing H.R. 1753, establishing not less than 2,500 Boys and Girls Clubs of America facilities by 2000. I was pleased to support this measure.

I wish to direct particular attention to the work of the Girls and Boys Club of Garden Grove, CA. Since 1956, the Garden Grove clubs have strived to improve our community with programs that meet families' needs.

The Girls and Boys Club of Garden Grove have 9 centers that serve 1,000 children every day, providing what these children need: a safe, enriching alternative to the streets, encouragement to succeed in school, and providing family support.

Each of the nine ''Kids Clubs'' offer daily programs that are unique in order to address the specific needs of the children and families living in specific neighborhoods. In Orange County, 70 percent of children come home to an empty house after school. Children who are home alone after school are twice as likely as other children to abuse alcohol, tobacco, and drugs.

As long as a child is actively involved in a Girls and Boys Club, they are not just staying off the streets, they are staying out of trouble. They are learning in computer labs and homework assistance programs; they are being fortified in cooking and nutrition programs, they are growing strong and confident in the gym and on the play yards, they are being enriched in craft classes and shops, and they are building character in leadership programs.

The Garden Grove Clubs are currently seeking to establish five new ''Kids Clubs'' Centers at schools throughout my district. There are over 10,000 children needing a safe place to go after school. As of now, Garden Grove only has the sites to serve about 2,000 kids. I strongly support H.R. 1753 and encourage the National Boys and Girls Club to distribute funds and assistance to the successful Girls and Boys Club in Garden Grove so they can continue to enrich the lives of thousands of other young Americans.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1753, as amended.

The question was taken.

Mr. MCCOLLUM. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

50 STATES COMMEMORATIVE COIN PROGRAM ACT

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1228) to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

The Clerk read as follows:

S. 1228

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''50 States Commemorative Coin Program Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is appropriate and timely—

(A) to honor the unique Federal republic of 50 States that comprise the United States; and

(B) to promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography, and the rich diversity of the national heritage;

(2) the circulating coinage of the United States has not been modernized during the 25-year period preceding the date of enactment of this Act;

(3) a circulating commemorative 25-cent coin program could produce earnings of $110,000,000 from the sale of silver proof coins and sets over the 10-year period of issuance, and would produce indirect earnings of an estimated $2,600,000,000 to $5,100,000,000 to the United States Treasury, money that will replace borrowing to fund the national debt to at least that extent; and

(4) it is appropriate to launch a commemorative circulating coin program that encourages young people and their families to collect memorable tokens of all of the States for the face value of the coins.

SEC. 3. ISSUANCE OF REDESIGNED QUARTER DOLLARS OVER 10-YEAR PERIOD COMMEMORATING EACH OF THE 50 STATES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (k) the following new subsection:

''(l) REDESIGN AND ISSUANCE OF QUARTER DOLLAR IN COMMEMORATION OF EACH OF THE 50 STATES.—

''(1) REDESIGN BEGINNING IN 1999.—

''(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), quarter dollar coins issued during the 10-year period beginning in 1999, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the 50 States.

''(B) TRANSITION PROVISION.—Notwithstanding subparagraph (A), the Secretary may continue to mint and issue quarter dollars in 1999 which bear the design in effect before the redesign required under this subsection and an inscription of the year '1998' as required to ensure a smooth transition into the 10-year program under this subsection.

''(2) SINGLE STATE DESIGNS.—The design on the reverse side of each quarter dollar issued during the 10-year period referred to in paragraph (1) shall be emblematic of 1 of the 50 States.

''(3) ISSUANCE OF COINS COMMEMORATING 5 STATES DURING EACH OF THE 10 YEARS.—

''(A) IN GENERAL.—The designs for the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1) shall be emblematic of 5 States selected in the order in which such States ratified the Constitution of the United States or were admitted into the Union, as the case may be.

''(B) NUMBER OF EACH OF 5 COIN DESIGNS IN EACH YEAR.—Of the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1), the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the 5 designs selected for such year.

''(4) SELECTION OF DESIGN.—

''(A) IN GENERAL.—Each of the 50 designs required under this subsection for quarter dollars shall be—

''(i) selected by the Secretary after consultation with—

''(I) the Governor of the State being commemorated, or such other State officials or group as the State may designate for such purpose; and

''(II) the Commission of Fine Arts; and

''(ii) reviewed by the Citizens Commemorative Coin Advisory Committee.

''(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

''(C) PARTICIPATION.—The Secretary may include participation by State officials, artists from the States, engravers of the United States Mint, and members of the general public.

''(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

''(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

''(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(6) ISSUANCE.—

''(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

''(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

''(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

''(7) APPLICATION IN EVENT OF THE ADMISSION OF ADDITIONAL STATES.—If any additional State is admitted into the Union before the end of the 10-year period referred to in paragraph (1), the Secretary of the Treasury may issue quarter dollar coins, in accordance with this subsection, with a design

which is emblematic of such State during any 1 year of such 10-year period, in addition to the quarter dollar coins issued during such year in accordance with paragraph (3)(A).''.

SEC. 4. UNITED STATES DOLLAR COINS.

(a) SHORT TITLE.—This section may be cited as the ''United States $1 Coin Act of 1997''.

(b) WEIGHT.—Section 5112(a)(1) of title 31, United States Code, is amended by striking ''and weighs 8.1 grams''.

(c) COLOR AND CONTENT.—Section 5112(b) of title 31, United States Code, is amended—

(1) in the first sentence, by striking ''dollar,''; and

(2) by inserting after the fourth sentence the following: ''The dollar coin shall be golden in color, have a distinctive edge, have tactile and visual features that make the denomination of the coin readily discernible, be minted and fabricated in the United States, and have similar metallic, anti-counterfeiting properties as United States coinage in circulation on the date of enactment of the United States $1 Coin Act of 1997.''.

(d) DESIGN.—Section 5112(d)(1) of title 31, United States Code, is amended by striking the fifth and sixth sentences and inserting the following: ''The Secretary of the Treasury, in consultation with the Congress, shall select appropriate designs for the obverse and reverse sides of the dollar coin.''.

(e) PRODUCTION OF NEW DOLLAR COINS.—

(1) IN GENERAL.—Upon the depletion of the Government's supply (as of the date of enactment of this Act) of $1 coins bearing the likeness of Susan B. Anthony, the Secretary of the Treasury shall place into circulation $1 coins that comply with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by this section.

(2) AUTHORITY OF SECRETARY TO CONTINUE PRODUCTION.—If the supply of $1 coins bearing the likeness of Susan B. Anthony is depleted before production has begun of $1 coins which bear a design which complies with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by this section, the Secretary of the Treasury may continue to mint and issue $1 coins bearing the likeness of Susan B. Anthony in accordance with that section 5112 (as in effect on the day before the date of enactment of this Act) until such time as production begins.

(3) NUMISMATIC SETS.—The Secretary may include such $1 coins in any numismatic set produced by the United States Mint before the date on which the $1 coins authorized by this section are placed in circulation.

(f) MARKETING PROGRAM.—

(1) IN GENERAL.—Before placing into circulation $1 coins authorized under this section, the Secretary of the Treasury shall adopt a program to promote the use of such coins by commercial enterprises, mass transit authorities, and Federal, State, and local government agencies.

(2) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study on the progress of the marketing program adopted in accordance with paragraph (1).

(3) REPORT.—Not later than March 31, 2001, the Secretary of the Treasury shall submit a report to the Congress on the results of the study conducted pursuant to paragraph (2).

SEC. 5. FIRST FLIGHT COMMEMORATIVE COINS.

(a) COIN SPECIFICATIONS.—

(1) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this section referred to as the ''Secretary'') shall mint and issue the following coins:

(A) $10 GOLD COINS.—Not more than 100,000 $10 coins, each of which shall—

(i) weigh 16.718 grams;

(ii) have a diameter of 1.06 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) $1 SILVER COINS.—Not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(C) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins each of which shall—

(i) weigh 11.34 grams;

(ii) have a diameter of 1.205 inches; and

(iii) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this section shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) SOURCES OF BULLION.—The Secretary shall obtain gold and silver for minting coins under this section pursuant to the authority of the Secretary under other provisions of law, including authority relating to the use of silver stockpiles established under the Strategic and Critical Materials Stockpiling Act, as applicable.

(d) DESIGN OF COINS.—

(1) DESIGN REQUIREMENTS.—

(A) IN GENERAL.—The design of the coins minted under this section shall be emblematic of the first flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

(B) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this section there shall be—

(i) a designation of the value of the coin;

(ii) an inscription of the year ''2003''; and

(iii) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(2) SELECTION.—The design for the coins minted under this section shall be—

(A) selected by the Secretary after consultation with the Board of Directors of the First Flight Foundation and the Commission of Fine Arts; and

(B) reviewed by the Citizens Commemorative Coin Advisory Committee.

(e) PERIOD FOR ISSUANCE OF COINS.—The Secretary may issue coins minted under this section only during the period beginning on August 1, 2003, and ending on July 31, 2004.

(f) SALE OF COINS.—

(1) SALE PRICE.—The coins issued under this section shall be sold by the Secretary at a price equal to the sum of—

(A) the face value of the coins;

(B) the surcharge provided in paragraph (4) with respect to such coins; and

(C) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(2) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this section at a reasonable discount.

(3) PREPAID ORDERS.—

(A) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this section before the issuance of such coins.

(B) DISCOUNT.—Sale prices with respect to prepaid orders under subparagraph (A) shall be at a reasonable discount.

(4) SURCHARGES.—All sales shall include a surcharge of—

(A) $35 per coin for the $10 coin;

(B) $10 per coin for the $1 coin; and

(C) $1 per coin for the half dollar coin.

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to evidence any intention to eliminate or to limit the printing or circulation of United States currency in the $1 denomination.

(g) GENERAL WAIVER OF PROCUREMENT REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(2) EQUAL EMPLOYMENT OPPORTUNITY.—Paragraph (1) does not relieve any person entering into a contract under the authority of this section from complying with any law relating to equal employment opportunity.

(h) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this subsection shall be considered to be numismatic items.

(i) DISTRIBUTION OF SURCHARGES.—

(1) IN GENERAL.—Subject to section 5134 of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this section shall be promptly paid by the Secretary to the First Flight Foundation for the purposes of—

(A) repairing, refurbishing, and maintaining the Wright Brothers Monument on the Outer Banks of North Carolina; and

(B) expanding (or, if necessary, replacing) and maintaining the visitor center and other facilities at the Wright Brothers National Memorial Park on the Outer Banks of North Carolina, including providing educational programs and exhibits for visitors.

(2) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the First Flight Foundation as may be related to the expenditures of amounts paid under paragraph (1).

(j) FINANCIAL ASSURANCES.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this section will not result in any net cost to the United States Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from Wisconsin [Mr. BARRETT] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

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

(Mr. CASTLE asked and was given permission to revise and extend his remarks.)

Mr. CASTLE. Madam Speaker, I rise in support of S. 1228, which includes the language of H.R. 2414, the bill to implement a program to issue quarter dollars over a 10-year period commemorating each of the 50 States. This bill has passed this House in each of the last two Congresses, most recently on September 23, 1997, where it passed on a rollcall vote of 419–6.

S. 1228 passed the Senate by unanimous consent last Sunday night, and it has been amended to include language redesigning the $1 coin. This redesign would correct the flaws of the Susan B. Anthony coin by specifying that the new coin be gold in color and have a distinctive edge to distinguish it from the quarter.

A difference from the bill that I introduced, H.R. 2637, is that S. 1228 does not specify what image will appear on the $1 coin. Instead, that decision is

left to the Secretary of the Treasury. My bill would have had the Statue of Liberty as the image of the face of the coin, gold, smooth edge, Statue of Liberty on the face of the coin, but we are going to leave that decision up, as I said, to the Secretary of the Treasury.

I would also at this time like to thank Senator ALPHONSE D'AMATO, the chairman of the Senate Banking Committee, who was extremely cooperative throughout all of this and was very helpful in bringing all of this legislation to fruition.

In the other House, the word ''clad'' was removed from language describing that the new dollar coin should have similar properties as current coinage in circulation. There is nothing in this bill that should be construed as limiting the mint's choice of technology in determining the best, most effective coin to meet the public's need and which is not subject to counterfeiting.

There is some urgency to the dollar coin redesign, in that the mint has said that they need 30 months to test alloys and prepare production for the new coin, and there is now only a 30-month supply of the Anthony dollars remaining in storage at current rates of usage and issuance. This legislation leaves the paper $1 note unaffected, to continue to be printed and issued as public demand determines.

The legislative package also includes a commemorative coin that authorizes coins to be issued commemorating the centennial of the first flight by the Wright brothers which will be celebrated in 2003. This commemoration has already been approved by the Citizens Commemorative Coin Advisory Committee as required under our coin reform legislation passed last year. It also meets other strictures of those reforms, including mintage limits and retention of surcharge payments until all of the Government's costs are recovered from the program.

This bill will reinvigorate our circulating coinage in a responsible, affordable way, serving the best interests of the general public, the national economy and the coin collecting community as well.

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It will be educational and fun, will promote pride among the States, and it will be a winner financially for the Government.

The Mint will earn an estimated $11 million annually, $110 million over the life of the program, from the sale of silver proof sets of the quarter, and a study by the accounting firm of Coopers & Lybrand showed that, as with the Bicentennial quarter, the 50-State quarter will be very popular with the public.

The study said that fully 75 percent of the 2,000 people surveyed would collect some or all of the coins. Coopers & Lybrand estimated that between 2.6 billion and 5.1 billion dollars' worth of quarters would be taken out of circulation by collectors.

Given that the survey excluded people under the age of 18, the entire universe of schoolchildren who might be expected to collect the coins, those figures seem very conservative. Estimates by the General Accounting Office, the Congressional Budget Office, and the Mint of the amount that would be collected are generally consistent with the estimates in the Coopers & Lybrand study.

Treasury Secretary Rubin and I are in agreement that the new State design should be dignified. To that end, the legislation authorizing the new quarters stipulates that the Secretary shall not select any frivolous or inappropriate design.

The bill also specifies that the Governors of the individual States or such other State officials or group as the State may designate will consult with the Secretary of the Treasury, who will select the final designs.

I urge the immediate adoption of S. 1228.

Madam Speaker, I reserve the balance of my time.

Mr. BARRETT of Wisconsin. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 1228 and urge all of my colleagues to support this bill which authorizes three worthy coin programs.

First we will commemorate Kitty Hawk in 2002. All Americans recognize the importance of flight and the importance of the Wright brothers' breakthrough at Kitty Hawk, NC. This coin will be a fitting tribute and is one of the first coins to abide by our new rules governing commemoratives.

I am also pleased that this bill incorporates a redesign of the Susan B. Anthony dollar coin and the circulating commemorative quarter series. As a father of three young kids, this last one, the 50–State quarter, is a personal favorite of mine, and I think that this is going to be a tremendous hit throughout this country. I think we are going to see school kids by the millions who are going to know the States in this country better than they ever have before, and they are going to do so for a quarter apiece.

So it is a tremendous program and one of the finest programs, I think, teaching programs, I have seen in awhile to really teach kids about our country.

The gentleman from Delaware [Mr. CASTLE] along with the gentleman from New York [Mr. FLAKE] have to be commended because they have brought sensible coin reform during the last 3 years. Mr. CASTLE, in particular, has worked hard to bring value and enjoyment to coin collecting, and I am proud to say that these last two measures are his ideas.

I urge the House to support this bill, and I wish to personally congratulate the gentleman from Delaware [Mr. CASTLE] on his personal accomplishments in this bill.

Looking around, I see no other speakers. So, Madam Speaker, I yield back the balance of my time.

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

Madam Speaker, I also will yield back in a moment, but I would just like to say that we of course already miss the gentleman from New York [Mr. FLAKE] who is not with us today. He has always been a stalwart over there in support of what we have done, with Sean Peterson, his staff, and others who have helped with him.

But the gentleman from Wisconsin [Mr. BARRETT] is a very worthy substitute, and there is now an opening for the ranking member of this particular subcommittee. I hope the gentleman from Wisconsin [Mr. BARRETT], who is one of our most distinguished members, will consider filling that, and we appreciate his kind words today.

We do believe this is good legislation, we do believe the interests are valid in terms of educating children as well as helping with our Treasury and in making American coinage more interesting to all citizens of the United States of America, so we would encourage passage of the legislation.

Ms. NORTON. Mr. Speaker, I support the 50-State Commemorative Coin Program Act and want to call attention to Chairman CASTLE's promise to include the District of Columbia and the four insular areas in this privilege in forthcoming legislation. The Chair has agreed to cosponsor with the other delegates and me a bill that would allow us the same privilege as the 50 States, namely, the ability to choose a design for the reverse side of the quarter coin in order to commemorate each jurisdiction.

The Act provides that all quarter coins issued for the 10 years beginning in 1999 would carry designs from five States each year. The side of the 25-cent piece with George Washington's image would remain unchanged. The quarter would have to carry the existing slogans. Approval of each State's design by the Federal Government is required. Earnings from silver collectors of $110 million and indirect earnings of $2.6–$5 billion are estimated.

I supported this bill on the House floor in September when it was agreed that the District of Columbia and the four insular areas would be included in a subsequent bill. We asked to be included in the bill while it was on the floor at that time. However, the Chairman wanted to take the matter back to the Treasury Department and through the rest of the process in order to avoid objections to the bill that might inhibit fast passage of this bill in the Senate. We are writing our bill now and intend to introduce it when Congress reconvenes early next year.

Although the residents of the District and the insular areas are American citizens, there are some differences between us and the States. However, qualification to be part of a program to redesign quarters to commemorate home jurisdictions is not one of them.

As to the District, the Congress has no trouble including us when it comes to collecting Federal income taxes. The four territories or insular areas do not pay Federal incomes taxes, but they have earned the right to this privilege in many ways, among them, because of the larger numbers of their citizens who have fought or died for their country.

I look forward to supporting a bill adding the District and the other four insular areas when we return next year.

Mr. KOLBE. Mr. Speaker, I rise today in reluctant opposition to S. 1228, a bill that does a number of things, including calling for the redesign of the Susan B. Anthony dollar coin.

While I enthusiastically support the portion of this legislation providing for the minting of 50 different circulating commemorative quarters, I have serious concerns about the portion dealing with the redesign of the Susan B. Anthony dollar coin.

For over a decade, I have been the principal sponsor of legislation calling for the redesign of the Anthony dollar and for the phaseout of the $1 Federal Reserve note. While S. 1228 addresses the issue of the look and feel of our Nation's $1 coin, it neglects the important issue of what to do with the $1 note.

S. 1228 recognizes one of the great myths about the Anthony dollar—that size was not the problem with the coin. It maintains the Anthony's dimensions, but changes the color to golden and calls for a distinctive edge—exactly what I've been proposing for the last decade. With the changes, the newly-designed dollar will be easier to distinguish from a quarter than a quarter from the current nickel.

Unfortunately, S. 1228 will not remove the $1 bill from circulation.

Ever since Congressman Mo Udall and I introduced the first dollar coin legislation in 1986, I have argued that the Anthony dollar failed for two reasons: it looked and felt like a quarter and the $1 bill was not taken out of circulation. So, this legislation takes a first and very important step in the effort to introduce a circulating $1 coin. However, I fear that the new dollar coin will be doomed to the fate of the Anthony dollar since the $1 note remains in circulation and no provision for its phase-out is included in the legislation.

I've been delivering this unpopular message for a decade, and it has been my experience that the general public understands the necessity of a phaseout when given the facts.

Mr. Speaker, I have been raked over the coals by those who opposed the phaseout of the $1 note. My efforts have been attacked through sound bites that instill fear and tell the public that elimination of the $1 note is taking about the choice. Well, when those delivering that message introduce legislation to create paper pennies, nickels, dimes, and quarters, and $1, $2, $5, $10, $20, $50, and $100 coins, I will be convinced they truly believe in giving choice to the American public.

Sadly, the smear campaigns that have been going on for over a decade leave Congress in a situation where we can take only incremental steps to implement good currency policy. Sadly, this and prior administrations have forwarded no comprehensive policy objectives related to modernizing our currency.

I still read and hear about the stunning success of the Canadian "loon" dollar coin which was introduced in 1987. Make no mistake. The coin was extremely unpopular in concept before its introduction. And the coin did not widely circulate until late in 1989—when the $1 bill was removed from circulation. The retail industry was very reluctant to use the $1 coin, and it did not circulate widely for that reason.

I traveled to Ottawa several years ago to meet with officials of the Royal Canadian Mint, the Canadian banking industry, the Canadian Parliament, and Canadian retail executives. While they were very proud of the accomplishment, they did acknowledge one significant error in their planning. The said that the prolonged cocirculation of both the "loon" coin and the $1 bill made the transition more difficult and unpopular than it should have been.

That is my fear about S. 1228. Congress cannot idly sit back and expect the mere introduction of a redesigned dollar coin will develop it own momentum. And no amount of marketing by the Mint will make the coin succeed. As a matter of fact, heavy simultaneous circulation of both the redesigned dollar coin and $1 bills will become a major nuisance to retailer, mass transit, and the visually impaired. I expect Congress will be hearing from them before long.

Let me finally add that unlike my legislation, H.R. 1174, there is little budgetary savings associated with legislation that only has redesignated the Anthony dollar without phasing out the $1 note. While passage of H.R. 1174 would ultimately result in about $12 billion in savings to taxpayers over 30 years, I understand that the language in S. 1228 will result in minimal budgetary savings.

I commend Chairman CASTLE for his continuing attention to coinage matters—especially the circulating commemorative quarter legislation. And frankly, I am relieved to know that the Mint will be saved from the embarrassment of having to produce more Anthony dollars. However, I remain convinced that the absence of a plan to address the necessary action of removing the $1 bill from circulation will doom us to the same embarrassment.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the Senate bill, S. 1228.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1997

Mr. SAXTON. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1658) to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws.

The Clerk read as follows:

Senate amendments:

Page 9, line 16, strike out "Secretary" and insert "Secretaries".

Page 9, line 21, strike out "Secretary" and insert "Secretaries".

Page 10, line 3, strike out [Secretary] and insert Secretaries

Page 11, after line 10 insert:

"(b) SOCIO-ECONOMIC STUDY.—The Secretaries, in consultation with with the Atlantic States Marine Fisheries Commission, shall conduct a study of the socio-economic benefits of the Atlantic striped bass resource. The Secretaries shall issue a report to the Congress concerning the findings of this study no later than September 30, 1998.

Page 11, line 11, strike out [(b)] and insert: *(c)*

Page 12, strike out all after line 23, over to and including line 11 on page 13 and insert:

"(a) REGULATION OF FISHING IN EXCLUSIVE ECONOMIC ZONE.—The Secretary shall promulgate regulations governing fishing for Atlantic striped bass in the exclusive economic zone that the Secretary determines—

"(1) are consistent with the national standards set forth in section 301 of the Magnuson Act (16 U.S.C. 1851);

"(2) are compatible with the Plan and each Federal moratorium in effect on fishing for Atlantic striped bass within the coastal waters of a coastal State;

"(3) ensure the effectiveness of State regulations on fishing for Atlantic striped bass within the coastal waters of a coastal State; and

"(4) are sufficient to assure the long-term conservation of Atlantic striped bass populations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Madam Speaker, I am very pleased that we are on the verge of enacting H.R. 1658, the Striped Bass Conservation Act of 1997. The House passed two prior versions of this bill in the last Congress, but, regrettably, they were not acted upon by the other body. Today, however, we can complete the legislative process by voting to agree to the Senate amendments to this important legislation.

The first sentence of the Striped Bass Conservation Act of 1984 states that the Atlantic striped bass are of historic importance and of great benefit to the Nation. I would like to assure all of my colleagues of the truth of this statement. These fish are renowned for their fighting ability and have been an important part of the lives of generations of east coast fishermen from all parts of the Northeast.

When this country was settled, striped bass were one of the most abundant natural resources that staggered early explorers. Captain John Smith, exploring the Chesapeake Bay in 1608, wrote that striped bass were so abundant that he thought he could walk across the bay on the backs of stripers without wetting his feet.

Unfortunately, the striped bass population has not remained all that bountiful. In the 1970's, heavy fishing pressure on the species coincided with water pollution and other environmental changes, and the population plummeted. The thriving industry that stripped bass had supported was nearly wiped out, and it seemed that this flagship species might disappear completely.

Congress responded to the crisis by enacting the Striped Bass Conservation Act of 1984. The act put teeth in the existing interstate management plan for

striped bass. It created the Federal enforcement mechanism for the plan, authorized studies of the causes of the decline, and provided for regular population assessments. This law assured that the States would adopt the tough regulations that were required to bring the species back.

Madam Speaker, the Stripped Bass Act has turned out to be a huge success. After a period of persistently low populations in the 1980's, the species has rebounded to its highest levels in the last 30 years. The sacrifices that fishermen coast-wide have made to bring the stripers back have paid off, and my constituents in New Jersey as well as all striper fishermen from North Carolina to Maine can once again count this fish among the abundant natural resources with which our region is blessed.

This bill reauthorizes the Striped Bass Act for the next 3 years. It authorizes continued funding for the population assessments and adds studies of stripers to related species. Although stripers are recovered, they are still at risk from the numerous natural and man-made factors. This bill will ensure that we remain vigilant so that we can protect the gains that we have made in recent years.

The House passed this bill on July 8; the Senate has now passed the legislation with several amendments. The amendments make small changes related to the Secretary of Interior's role in enforcement, authorize a socioeconomic study on the benefits of Atlantic striped bass resource, and clarify provisions regarding striped bass regulation in Federal waters. These changes are not only acceptable, they actually enhance the bill. In fact, I wish I had thought of them myself.

Reauthorizing the Striped Bass Act has been a long process. Fortunately, as William Woods of the Massachusetts Bay Colony said in 1635, men are soon wearied with other fish, yet they never are with bass.

I strongly urge all of my colleagues to vote yes on H.R. 1658 with the improvements adopted by the other body.

Madam Speaker, I reserve the balance of my time.

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

(Mr. KILDEE asked and was given permission to revise and extend his remarks.)

Mr. KILDEE. First of all, Madam Speaker, I would like to commend the gentleman from New Jersey [Mr. SAXTON] for his diligent work in this area, and I rise in strong support of this legislation.

The remarkable recovery of the striped bass fishery a little more than a decade after the passage of the original Striped Bass Conservation Act is truly a success story, demonstrating that conservation can work, and, again, I think we all are grateful to Mr. SAXTON for his deep interest and diligence in pursuing this.

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

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

Madam Speaker, I thank the gentleman for his kind words. Madam Speaker, at this time I have, as far as I know, no additional speakers, and so with just one thought I am prepared to yield back the balance of my time.

I was made aware earlier today that there is a regulatory problem off the shores of Massachusetts that relates to Nantucket and the State waters there and the Federal waters through which fishermen must pass on their way back to the mainland.

I understand that there is a regulatory issue, and I have talked with the gentleman from Massachusetts [Mr. KENNEDY] about this issue, and we both have agreed that we will try our best in the first couple of months of 1998 to deal with the National Marine Fisheries Service relative to these issues.

Mr. PALLONE. Mr. Speaker, tonight I rise in strong support of H.R. 1658, the Atlantic Striped Bass Conservation Act Amendments. The remarkable recovery of the striped bass fishery, a little more than a decade after the passage of the original Striped Bass Conservation Act, is a success story, demonstrating that fish conservation can work.

For the last three decades, Atlantic striped bass stocks have been declining due to overfishing, pollution, habitat destruction and other factors. Recently, however, the Atlantic striped bass stocks have grown and are slowly returning to their previous abundance. Many Atlantic Coast states have recognized the significance of this growth and understand the pressure that commercial fishing interests may have on breeding stocks. In response, states such as New Jersey, Connecticut, Pennsylvania and Georgia, and several others, have passed gamefish laws or have prohibited the Atlantic striped bass commercial angling.

The management program established under this Act was, at the time of its inception in 1984, unique. It relies on the states to develop regulations for their waters that are consistent with the Atlantic States Marine Fisheries Commission's management plan for striped bass. If the state fails in its efforts, a federal moratorium is imposed. This plan was so successful, that last year the Commission declared the striped bass to be fully recovered. Today, the fish are being found in record numbers up and down the coast.

Mr. Speaker, as I previously stated, striped bass populations were placed in jeopardy due to severe over-harvesting. Support of this legislation would allow us to better understand striped bass stock and management plans that not only benefit the striped bass stock, but the striped bass fishing community as well. Furthermore, these amendments increase public participation in the preparation of striped bass management plans. This fishery is one of the most important fisheries for marine recreational anglers. In 1995, over a million anglers made almost seven million trips and nearly spent 160 million dollars in pursuit of this fish. We must support this legislation and ensure that over a decade striped bass conservation and restoration is not erased.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendments to H.R. 1658.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1658.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR DIVISION, USE, AND DISTRIBUTION OF JUDGMENT FUNDS OF THE OTTAWA AND CHIPPEWA INDIANS

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments numbered 1 through 60, 62 and 63, and disagree to the Senate amendment numbered 61 to the bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364 and 18–R before the Indian Claims Commission.

The Clerk read as follows:

Senate amendments:

Page 2, before line 1 insert:

TITLE I—DIVISION, USE, AND DISTRIBUTION OF JUDGMENT FUNDS OF THE OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN

Page 2, line 1, strike out ''**SECTION 1**'' and insert ''**SEC. 101**''.

Page 2, line 2, strike out ''Act'' and insert ''title''.

Page 2, line 3, strike out ''**2**'' and insert ''**102**''.

Page 2, line 9, strike out ''Tribe'' and insert ''Band''.

Page 3, line 9, strike out ''Act'' and insert ''title''.

Page 3, line 14, strike out ''**3**'' and insert ''**103**''.

Page 3, line 15, strike out ''Act'' and insert ''title''.

Page 4, line 13, strike out ''6'' and insert ''106''.

Page 4, line 16, strike out ''**4**'' and insert ''**104**''.

Page 4, line 23, strike out ''10'' and insert ''110''.

Page 6, line 13, strike out ''10'' and insert ''110''.

Page 7, line 23, strike out ''Act'' and insert ''title''.

Page 7, line 24, strike out ''10'' and insert ''110''.

Page 8, line 3, strike out ''**5**'' and insert ''**105**''.

Page 8, line 9, strike out ''4'' and insert ''104''.

Page 8, line 13, strike out ''7'' and insert ''107''.

Page 8, line 15, strike out ''4'' and insert ''104''.

Page 8, line 20, strike out ''7'' and insert ''107''.

Page 8, line 21, strike out ''8'' and insert ''108''.

Page 8, line 23, strike out ''4'' and insert ''104''.

Page 9, line 4, strike out ''8'' and insert ''108''.

Page 9, line 5, strike out ''9'' and insert ''109''.

Page 9, line 7, strike out ''4'' and insert ''104''.

Page 9, line 12, strike out ''9'' and insert ''109''.

Page 9, line 14, strike out ''Act'' and insert ''title''.

Page 10, line 4, strike out ''3(b)'' and insert ''103(b)''.

Page 10, line 8, strike out ''3(b)'' and insert ''103(b)''.

Page 10, line 21, strike out ''3(b)'' and insert ''103(b)''.

Page 11, line 2, strike out ''3(b)'' and insert ''103(b)''.

Page 11, line 8, strike out ''3(b)'' and insert ''103(b)''.

Page 11, line 11, strike out ''Act'' and insert ''title''.

Page 11, line 13, strike out ''5'' and insert ''105''.

Page 11, line 17, strike out ''3'' and insert ''103''.

Page 11, line 17, strike out ''4'' and insert ''104''.

Page 11, line 23, strike out ''Act'' and insert ''title''.

Page 11, line 23, strike out ''4'' and insert ''104''.

Page 12, line 1, strike out ''**6**'' and insert ''**106**''.

Page 12, line 16, strike out ''4'' and insert ''104''.

Page 13, line 7, strike out ''10'' and insert ''110''.

Page 15, line 5, strike out ''10'' and insert ''110''.

Page 15, line 10, strike out ''4'' and insert ''104''.

Page 15, line 14, strike out ''Act'' and insert ''title''.

Page 15, line 17, strike out ''Act'' and insert ''title''.

Page 15, line 23, strike out ''Act'' and insert ''title''.

Page 16, line 3, strike out ''**7**'' and insert ''**107**''.

Page 16, line 10, strike out ''Act'' and insert ''title''.

Page 17, line 25, strike out ''Act'' and insert ''title''.

Page 22, line 12, strike out ''**8**'' and insert ''**108**''.

Page 25, line 14, strike out ''4'' and insert ''104''.

Page 26, line 3, strike out ''**9**'' and insert ''**109**''.

Page 26, line 10, strike out ''4'' and insert ''104''.

Page 30, line 19, strike out ''**10**'' and insert ''**110**''.

Page 31, line 21, strike out ''4(a)(1)'' and insert ''104(a)(1)''.

Page 31, line 23, strike out ''4(a)(1)'' and insert ''104(a)(1)''.

Page 32, line 7, strike out ''6'' and insert ''106''.

Page 32, line 15, strike out ''Act'' and insert ''title''.

Page 33, line 15, strike out ''6'' and insert ''106''.

Page 33, line 19, strike out ''6'' and insert ''106''.

Page 34, line 14, strike out ''6'' and insert ''106''.

Page 34, strike out all after line 14 down to and including ''eligibility'' in line 17 and insert:

SEC. 111. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS.

(A) APPLICABILITY OF PUBLIC LAW 93–134.—All funds distributed under this Act or any plan approved in accordance with this Act, including interest and investment income that accrues on those funds before or while those funds are held in trust, shall be subject to section 7 of Public Law 93–134 (87 Stat. 468).

(b) TREATMENT OF FUNDS WITH RESPECT TO CERTAIN FEDERAL ASSISTANCE.—The eligibility

Page 35, line 4, strike out ''**12**'' and insert ''**112**''.

Page 35, after line 9 insert:

TITLE II—LIMITATION ON HEALTH CARE CONTRACTS AND COMPACTS FOR THE KETCHIKAN GATEWAY BOROUGH

SEC. 201. FINDINGS.

Congress finds that—

(1) the execution of more than 1 contract or compact between an Alaska native village or regional or village corporation in the Ketchikan Gateway borough and the Secretary to provide for health care services in an area with a small population leads to duplicative and wasteful administrative costs; and

(2) incurring the wasteful costs referred to in paragraph (1) leads to decrease in the quality of health care that is provided to Alaska Natives in an affected area.

SEC. 202. DEFINITIONS.

In this title:

(1) ALASKA NATIVE.—The term ''Alaska Native'' has the meaning given the term ''Native'' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) ALASKA NATIVE VILLAGE OR REGIONAL OR VILLAGE CORPORATION.—The term ''Alaska native village or regional or village corporation'' means an Alaska native village or regional or village corporation defined in, or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)

(3) CONTRACT; COMPACT.—The terms ''contract'' and ''compact'' mean a self-determination contract and a self-governance compact as these terms are defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 203. LIMITATION.

(a) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that, in considering a renewal of a contract or compact, or signing of a new contract or compact for the provision of health care services in the Ketchikan Gateway Borough, there will be only one contract or compact in effect.

(b) CONSIDERATION.—In any case in which the Secretary, acting through the Director of the Indian Health Service, is required to select from more than 1 application for a contract or compact described in subsection (a), in awarding the contract or compact, the Secretary shall take into consideration—

(1) the ability and experience of the applicant;

(2) the potential for the applicant to acquire and develop the necessary ability; and

(3) the potential for growth in the health care needs of the covered borough.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

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

Madam Speaker, H.R. 1604 by my colleague on the Committee on Resources, the gentleman from Michigan [Mr. KILDEE], would provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to the four Indian Claims Commission dockets. These funds were appropriated by Congress years ago and have been held by the Department of the Interior for the beneficiaries.

The funds would be divided according to a formula included in H.R. 1604 which the gentleman from Michigan [Mr. KILDEE] helped work out over the course of many years, and I am very grateful to him for doing that. I am sure the native Americans are very grateful to him for doing that. The funds would be divided according to a formula included in H.R. 1604 between individuals on a judgment distribution roll of descendents, to be created by the Secretary of Interior, and five Michigan tribes.

Madam Speaker, the House passed H.R. 1604 on November 4. Since then, the other body has amended our bill and has sent it back to us for another vote. The amendments will solve a problem relative to providing certain Federal services to Alaskan Natives. The added language would limit the number of contracts and compacts for providing certain Indian services to not more than one native entity in any bureau where there are less than 50,000 people.

The intent is to ensure that there is only one Alaskan Native provider in those areas of Alaska which do not require more than one provider. It would save taxpayers money, and it makes sense from an administrative point of view.

One amendment to the bill is unacceptable and will be stricken from the bill and returned to the other body for concurrence.

I support H.R. 1604, I highly recommend its passage, and I also thank the gentleman from Michigan [Mr. KILDEE] for his diligent work over the years on this issue

Madam Speaker, I reserve the balance of my time.

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

(Mr. KILDEE asked and was given permission to revise and extend his remarks.)

Mr. KILDEE. Madam Speaker, I appreciate the kind words of the gentleman from Maryland [Mr. GILCHREST].

Madam Speaker, today the U.S. Congress will take a historic step in bringing about long awaited justice for the Chippewa and Ottawa Nations of Michigan. The legislation before us now will provide a monetary compensation for 12 million acres of land ceded by these tribes over 160 years ago.

My father taught me long ago about the tremendous injustice done to the Indian tribes in Michigan. For so many years, Madam Speaker, our Government ignored and broke its many treaties with the native Americans. It is

part of our history that we can never erase, but it is important that we learn from it.

□ 1315

I have learned that we must respect the sovereignty of the Indian Nations and that we must treat them with respect on a government-to-government relationship. The legislation we are about to pass respects that sovereignty and upholds our treaty obligations.

I want to thank the gentleman from Alaska [Mr. YOUNG], the gentleman from California [Mr. MILLER], the gentleman from Maryland [Mr. GILCHREST] and the gentleman from New Jersey [Mr. SAXTON] for helping getting this bill passed. I also want to thank Senators INOUYE, CAMPBELL, ABRAHAM, and LEVIN for all their work as well. This is a great day for the U.S. Congress and the great Chippewa and Ottawa Indian Nations of Michigan. I urge my colleagues to support this bill.

Madam Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding me time. I thank the gentleman for his work on this legislation.

Madam Speaker, I rise today in strong support of H.R. 1604, a bill to distribute judgment funds to the Ottawa and Chippewa Indians. Over 25 years ago, the Federal Government agreed to pay $10 million as settlement for underpaying American Indians for the land which makes up most of northern Michigan, the majority of which is in my district.

After years of disagreement on how the money is to be distributed, a negotiated compromise has been reached. H.R. 1604 codifies this agreement and distributes the long-overdue money. The money that will be distributed by this bill has already been appropriated by Congress way back in 1971, so this is not a new appropriation. Instead, the bill merely releases money that has remained in an account with the Bureau of Indian Affairs for the past 25 years.

Madam Speaker, the passage of H.R. 1604 will close this chapter of what is a long record of mistreatment of American Indians by the Federal Government. This justice is long overdue, and this bill is long overdue. I urge my colleagues to pass this important legislation.

Madam Speaker, let me thank the leadership on both sides for working so closely with us, and the gentleman from Michigan [Mr. KILDEE] for his leadership in bringing this bill to the floor. It has been to the Senate, and we have reached compromise. Let us finally do this and get this over with after 25 years.

Mr. MILLER of California. Mr. Speaker, this is the second time that the House has been asked to consider this bill. This time we are being asked to pass this bill because the Senate has made three amendments to what was already a good bill.

The underlying bill, which was sponsored by Congressman KILDEE, authorizes the distribution of judgment funds awarded to several Ottawa and Chippewa tribes in Michigan. This bill was necessary as congressional action is required and these tribes have been awaiting this award ever since 1971. There was some question of the fairness of the distribution scheme between the recognized and nonrecognized tribes but that situation has been amicably resolved and made part of the underlying legislation.

The Senate, however, has made three additional changes. The first changes a reference in the bill from the word ''tribe'' to ''band''. The second adds a reference to 25 U.S.C. 1407 which states that Indian judgment fund awards are not taxable. We are deleting this amendment as it falls within the jurisdiction of the Ways and Means Committee.

But it is the third amendment that is troubling. The third amendment will prevent the Indian Health Service from entering into a separate Indian Self-Determination Act contract—a 638 contract—with the Ketchikan Indian Corp. at the same time that it also has a regional 638 contract with the Southeast Alaska Regional Health Corporation, a consortium of Southeast tribes that KIC once belonged to.

The purpose of this amendment is to prevent the waste of limited IHS funds through duplicative services at a nearby clinic run by KIC. While the IHS should not waste its limited resources, I am concerned that this provision further undercuts the Indian Self-Determination Act.

Unfortunately the rights of Alaska Native villages have already been affected by the fiscal year 1998 Interior appropriations bill. Specifically, section 326 of that bill prohibited the IHS from entering into a separate 638 contract with an individual Alaska Native village when that village is located in a region already served by a regional 638 contractor.

But this provision takes away the specific right of a Native entity under the Indian Self-Determination Act, namely, the right of KIC to decide for itself whether it wants to provide health care services to its members on its own pursuant to a 638 contract. Some choose to continue to receive health care services directly from IHS, others choose to execute their own 638 contracts, and yet others still join with neighboring tribes and villages into a regional consortium that has its own 638 contract with the IHS.

I believe that there are already safeguards in the Indian Self-Determination Act that protect against wasteful or duplicative 638 contracts. The act clearly gives the Secretary of Health and Human Services the right to decline a contract request when that is the case.

In my view, Congress should not excise or restrict parts of the Indian Self-Determination Act simply because some Members do not agree with the administration on one contract. The act, which may be the most important piece of Indian legislation this Congress has passed in a generation, is simply too important to be changed in this manner. If there is a problem with the act, then let's hold hearings and respect the rights of the affected parties.

Mr. KILDEE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILCHREST. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and concur in Senate amendments 1 through 60, 62 and 63, and disagree to Senate amendment 61 to the bill, H.R. 1604.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and Senate amendments 1 through 60, 62 and 63 were concurred in, and Senate amendment 61 was disagreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1604.

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

There was no objection.

NATIONAL PEACE GARDEN MEMORIAL

Mr. JONES. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 731) to extend the legislative authority for construction of the National Peace Garden Memorial, and for other purposes, as amended.

The Clerk read as follows:

S. 731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 10(b) of Public Law 99–652 and section 1(a) of Public Law 103–321, the legislative authority for the National Peace Garden shall extend through June 30, 2002.

SEC. 2. MAINTENANCE OF WILD HORSES IN CAPE LOOKOUT NATIONAL SEASHORE.

Section 5 of the Act entitled ''An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes'', approved March 10, 1966 (Public Law 89–366; 16 U.S.C. 459g–4), is amended by inserting ''(a)'' after ''SEC. 5.'', and by adding at the end the following new subsection:

''(b)(1) The Secretary, in accordance with this subsection, shall allow a herd of 100 free roaming horses in Cape Lookout National Seashore (hereinafter referred to as the ''seashore''): *Provided,* That nothing in this section shall be construed to preclude the Secretary from implementing or enforcing the provisions of paragraph (3).

''(2) Within 180 days after enactment of this subsection, the Secretary shall enter into an agreement with the Foundation for Shackleford Horses (a nonprofit corporation established under the laws of the State of North Carolina), or another qualified nonprofit entity, to provide for management of free roaming horses in the seashore. The agreement shall—

''(A) provide for cost-effective management of the horses while ensuring that natural resources within the seashore are not adversely impacted; and

''(B) allow the authorized entity to adopt any of those horses that the Secretary removes from the seashore.

''(3) The Secretary shall not remove, assist in, or permit the removal of any free roaming horses from Federal lands within the boundaries of the seashore—

''(A) unless the entity with whom the Secretary has entered into the agreement under paragraph (2), following notice and a 90-day response period, fails to meet the terms and conditions of the agreement; or

''(B) unless the number of free roaming horses on Federal lands within Cape Lookout National Seashore exceeds 110; or

''(C) except in the case of an emergency, or to protect public health and safety.

''(4) The Secretary shall annually monitor, assess, and make available to the public findings regarding the population, structure, and health of the free roaming horses in the national seashore.

''(5) Nothing in this subsection shall be construed to require the Secretary to replace horses or otherwise increase the number of horses within the boundaries of the seashore where the herd numbers fall below 100 as a result of natural causes, including, but not limited to, disease or natural disasters.

''(6) Nothing in this subsection shall be construed as creating liability for the United States for any damages caused by the free roaming horses to property located inside or outside the boundaries of the seashore.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. JONES] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

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

(Mr. JONES asked and was given permission to revise and extend his remarks.)

Mr. JONES. Madam Speaker, I rise in support of S. 731 and urge its adoption. The bill grants a 5-year extension to the legislative authority for the construction of the National Peace Garden Memorial on Federal lands within the District of Columbia.

Madam Speaker, section 10(b) of the Commemorative Works Act of 1986 provides that the legislative authority to construct a memorial expires 7 years after the date the memorial was authorized by Congress. In 1994, Congress extended the legislative authority for the National Peace Garden Memorial through June 30, 1997. S. 731 would extend the legislative authority for the National Peace Garden Memorial until June 30, 2002.

Madam Speaker, S. 731 has been amended to incorporate H.R. 765, a bill I introduced to protect the Shackleford Banks Wild Horses at Cape Lookout National Seashore in North Carolina. The House passed H.R. 765 on July 22, 1997, by a vote of 416 to 6.

Since that time, the Senate has amended the House-passed bill to clarify several management issues of concern to the National Park Service. The amendment to S. 731 offered today reflects the amendments agreed to by the majority and minority members of the Senate Committee on Energy and Natural Resources.

Madam Speaker, S. 713 will assure that a healthy survival herd of wild roaming horses will remain on the Cape Lookout National Seashore, and their 400-year history will continue as a major legacy of the culture and heritage of the Outer Banks of North Carolina.

Madam Speaker, I strongly urge my colleagues to support S. 731 as amended.

Madam Speaker, I reserve the balance of my time.

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

(Mr. KILDEE asked and was given permission to revise and extend his remarks.)

Mr. KILDEE. Madam Speaker, S. 731 as passed by the Senate is an uncontroversial measure to extend the authority of the National Peace Garden Foundation to establish a commemorative work in honor of our Nation's commitment to peace. The majority has sent S. 731 to the desk with an amendment that includes the modified text of another bill, H.R. 765, that the House passed in July.

The language of H.R. 765, which deals with the wild horses at Cape Lookout National Seashore, has been worked out in the Senate, and that bill is currently pending before the full Senate.

Madam Speaker, I urge the adoption of this bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the Senate bill, S. 731, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 731, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDING COMMUNICATIONS ACT OF 1934

Mr. BLILEY. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1354) to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

The Clerk read as follows:

S. 1354

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

SECTION 1. AMENDMENT OF COMMUNICATIONS ACT OF 1934.

Section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) is amended—

(1) by striking ''(2) or (3)'' in paragraph (1) and inserting ''(2), (3), or (6)'';

(2) by striking ''interstate services,'' in paragraph (3) and inserting ''interstate services or an area served by a common carrier to which paragraph (6) applies,'';

(3) by inserting ''(or the Commission in the case of a common carrier designated under paragraph (6))'' in paragraph (4) after ''State commission'' each place such term appears;

(4) by inserting ''(or the Commission under paragraph (6))'' in paragraph (5) after ''State commission''; and

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

''(6) COMMON CARRIERS NOT SUBJECT TO STATE COMMISSION JURISDICTION.—In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Massachusetts [Mr. MARKEY] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

GENERAL LEAVE

Mr. BLILEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1354.

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

There was no objection.

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

Madam Speaker, I rise in support of S. 1354. S. 1354 was brought to the Committee on Commerce's attention by the gentleman from Arizona [Mr. HAYWORTH]. He informed the committee that a technical amendment to the Communications Act was necessary to avoid local telephone rate increases in certain parts of the Nation. The committee has reviewed the bill and agrees that action by the House is necessary at this time.

Under the current universal service provisions of the Communications Act, only common carriers designated by the States are eligible to receive Federal universal service support. Unfortunately, this policy ignores the fact that some common carriers providing service today are not subject to the jurisdiction of a State commission; most

notably, some carriers owned or controlled by native Americans. Thus, many of these common carriers may lose Federal support on January 1, 1998, unless Congress takes action.

S. 1354 corrects this problem by permitting a common carrier that is not subject to State authority to be designated by the Federal Communications Commission as eligible to receive Federal universal service support. S. 1354 will apply to only a limited number of carriers, but to these carriers' customers, its impacts will be significant.

It should be noted that nothing in this bill is intended to restrict or expand the existing jurisdiction of State commissions over any common carrier. Such determinations are outside the scope of this legislation.

I thank the gentleman from Arizona [Mr. HAYWORTH] for his thoughtful action on this matter and for working with the gentleman from South Dakota [Mr. THUNE]. I also thank the Members of the other body for taking action on this important matter. I ask that all Members support passage of S. 1354.

Madam Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Madam Speaker, I would like to thank my colleague from Virginia, the distinguished chairman of the Committee on Commerce [Mr. BLILEY] for his consideration and cooperation in this regard.

Madam Speaker, I rise in strong support of S. 1354, and I would be remiss if I did not also take this time to thank the ranking minority member of the Committee on Commerce, the gentleman from Michigan [Mr. DINGELL], for his help as well.

Madam Speaker, it is safe to say this is a good bipartisan bill. This legislation was sponsored in the other body by my colleague from Arizona Senator MCCAIN, and I would like to publicly thank our senior Senator for his hard work on this issue.

Madam Speaker, as the chairman mentioned, this bill corrects a technical glitch in section 214(e) of the Communications Act of 1934 that has created a serious problem for certain telecom carriers, particularly some Indian tribes. The current language in section 214(e) does not account for the fact that State commissions in some States have no jurisdiction over certain carriers. Some, not all, but some States have no jurisdiction over tribal-owned carriers, which may or may not be regulated by a tribal authority that is not a State commission per se. This is especially true in my home State of Arizona and also in South Dakota.

The failure to account for these situations means that such carriers may have no way of being designated as a carrier eligible to receive Federal universal service support which provides intercarrier support for the provision of telecommunications services in rural and high-cost areas throughout the United States.

Section 214 as currently written does not consider whether a tribal-owned carrier is a traditional incumbent local exchange carrier that provides the core universal services, whether they have previously received Federal universal support or whether they will be deemed a carrier of last resort to serve every customer in their service area.

In my home State of Arizona, there are four tribal authority telephone cooperatives that are not subject to State jurisdiction. Passing this bill would ensure that these entities can continue to serve their customers as eligible carriers.

Without this bill, Madam Speaker, customers of these carriers could face enormous rate increases. For instance, if Gila River in my district in Arizona lost its Federal universal service support, its customers could be hit with a $32 monthly charge per subscriber starting this January, so it is critical that we pass this bill now to protect these consumers.

Again, I would like to thank my esteemed colleague, the gentleman from Virginia [Mr. BLILEY] for agreeing to bring this bill forward, and I would urge a ''yes'' vote from all of our colleagues.

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

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

Madam Speaker, this legislation represents a finetuning of provisions of the Telecommunications Act of 1996 that addresses the universal service system. The bill before us today allows a common carrier that is not subject to the jurisdiction of a State commission, including those telephone companies owned by certain federally-recognized Indian tribes, to be designated by the Federal Communications Commission as an eligible telecommunications carrier for universal service funding purposes.

The Telecommunications Act of 1996 stipulated that State commissions are authorized to designate which telephone companies are so-called eligible telecommunications carriers for purposes of universal service funding. The provisions of the Telecommunications Act, however, did not account for the fact that in a few instances, States have no jurisdiction over telephone companies owned by certain federally-recognized Indian tribes. Because States have no jurisdiction in this area, such companies would have no way of becoming designated as eligible telecommunications carriers and receive universal service support.

□ 1330

This bill is a technical correction to the statute that is entirely consistent with the Telecommunications Act of 1996. The bill ensures that telephone companies currently receiving support for universal service can continue to do so whether the designation of eligible telecommunications carrier is made by the State commission or, in the case of a company not subject to State jurisdiction, by the Federal Communications Commission.

I want to congratulate the gentleman from Virginia [Mr. BLILEY], for his work on this issue; the gentleman from South Dakota [Mr. THUNE] for his work on this issue; and the gentleman from Arizona [Mr. HAYWORTH] for his work in ensuring that we do have an equitable and universal application of a plan constructed in the 1930's which has served our Nation well.

The universal service system of telecommunications was originated as good economic policy: Let us bring the whole country together, not just the 35 or 40 percent that had telephones in the middle of the 1930's, but let us have every home in America with access to it.

It turned out to be not just good economic policy, but it turned out to be good social policy as well because it helped to knit our country together, that families could call each other wherever they were in the country, business could be conducted anywhere in the country. This amendment seeks to clarify an omission so that these particular Indian tribes are not excluded, and I want to congratulate the Members that have brought the issue to our attention.

Madam Speaker, I reserve the balance of my time.

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

Mr. THUNE. Madam Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from South Dakota.

Mr. THUNE. Madam Speaker, I want to credit the distinguished chairman for his hard work on this bill.

It is my understanding that the bill before us is specifically intended to provide a clear mechanism to designate eligible telecommunications carriers, pursuant to section 214(e) of the Communications Act of 1934, for common carriers not subject to the jurisdiction of State commissions, for purposes of the universal service fund. In essence, the bill would ensure such common carriers have access to universal service funds under section 214(e) of the Communications Act of 1934. Am I correct in that understanding?

Mr. BLILEY. Madam Speaker, the gentleman is correct. The Telecommunications Act of 1996 introduced a new requirement that State commissions determine which common carriers would be designated eligible for universal service funds. The act, however, did not contemplate that certain carriers may fall outside the jurisdiction of a State commission.

Mr. THUNE. Madam Speaker, I thank the gentleman. If the gentleman would yield further, I would like to ask one other question, if I might.

There are some that have expressed concerns that this bill may have implications beyond the question of determining eligibility for the universal

service fund to questions of jurisdiction between States and tribal entities. Am I correct in understanding that nothing in this bill is intended to expand or restrict the existing jurisdiction of State commissions over any common carrier or provider in any particular situation?

Mr. BLILEY. Madam Speaker, the gentleman is correct, that nothing in this bill is intended to impact litigation regarding jurisdiction between State and federally recognized tribal entities. Such determinations are outside the scope of this legislation. The intent of this bill is to cover such situations where a State commission lacks jurisdiction over a carrier, in which case the FCC determines who is eligible to receive Federal universal service support.

Mr. THUNE. Madam Speaker, I thank the gentleman from Virginia [Mr. BLILEY], the chairman of the committee, and I thank the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Arizona [Mr. HAYWORTH] for working with me to clarify this issue.

Mr. MARKEY. Madam Speaker, I yield myself such time as I may consume to again congratulate all of the Members who worked on this legislation, and to add in the name of the gentleman from Arizona [Mr. PASTOR], who is also quite concerned about this issue, and the gentleman from Michigan [Mr. KILDEE], who has expressed great interest in ensuring that there is an equitable distribution of this benefit.

With that, I would hope that the Members of the House would accept this bill.

Mr. TAUZIN. Mr. Speaker, I rise in support of S. 1354. This bill would clarify a provision of the Communications Act regarding universal service. A change in the existing law is necessary to ensure that local telephone rates for Native Americans, and possibly other consumers, do not rise.

Universal Service is based on the premise that all Americans should have access to telephone service at affordable rates. This longstanding principle is beneficial to all Americans: the more people that are connected to the telephone network, the more valuable the network is to each of us.

Failure to enact S. 1354, may force rates to increase for local telephone service in many Native American communities as a result of certain carriers being excluded from the definition of an ''eligible telecommunications carrier'' under the Communications Act. S. 1354 makes a technical correction to the Act that will make it possible for telephone companies serving areas not subject to the jurisdiction of a State Commission, to be eligible to receive federal Universal Service support. The support will be necessary to keep local telephone rates affordable in these areas.

Supporting S. 1354 at this time is critical because federal support for many of these carriers that serve Native Americans may run out as early as January 1, 1998.

Let me take a moment to extend my appreciation to Mr. HAYWORTH of Arizona and Mr. THUNE of South Dakota for working together on this important matter. These gentleman have been champions of this issue in the House and it is with their help that we are here today.

The other body has properly passed this bill and has sent it to the House for our consideration. I am hopeful that we can pass this bill and it can be signed into law relatively shortly.

I ask that all Members support S. 1354 and I reserve the balance of my time.

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

Mr. BLILEY. Madam Speaker, I thank the gentleman from Massachusetts for his kind words, and I urge the passage of the bill.

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

The SPEAKER pro tempore (Mrs. EMERSON). All time has expired.

The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and pass the Senate bill, S. 1354.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

N O T I C E

Incomplete record of House proceedings. Except for the matter which follows, today's House proceedings will be continued in the next issue of the Record.

CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. ROGERS submitted the following conference report and statement on the bill (H.R. 2267) making appropriations for the Department of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–405)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2267) ''making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $76,199,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $7,860,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1997: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $20,000,000 to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

In addition, for necessary expenses, as determined by the Attorney General, $32,700,000, to remain available until expended, to reimburse departments and agencies of the Federal Government for any costs incurred in connection with—

(1) counterterrorism technology research and development;

(2) providing training and related equipment for chemical, biological, nuclear, and cyber attack prevention and response capabilities to State and local law enforcement agencies; and

(3) providing bomb training and response capabilities to State and local law enforcement agencies.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $70,007,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $59,251,000, to remain available until expended,

which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,211,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: Provided, That up to one-tenth of one percent of the Department of Justice's allocation from the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other review of such grant programs, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

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

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $444,200,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through ''Salaries and Expenses'', General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

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

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

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

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $75,495,000: Provided, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $5,495,000: Provided further, That any fees received in excess of $70,000,000 in fiscal year 1998, shall remain available until expended, but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental and cooperative agreements, $972,460,000; of which not to exceed $2,500,000 shall be available until September 30, 1999, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $1,200,000 for the design, development, and implementation of an information systems strategy for D.C. Superior Court shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That not to exceed $2,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes, including bank robbery and carjacking, and drug trafficking: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,948 positions and 9,113 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d) and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $62,828,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $114,248,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $114,248,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the Fund estimated at $0: Provided further, That any such fees collected in excess of $114,248,000 in fiscal year 1998 shall remain available until expended but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

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

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $467,833,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and not to exceed $2,200,000 to support the Justice Prisoner and Alien Transportation System, shall remain available until expended: Provided, That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $25,553,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

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

FEES AND EXPENSES OF WITNESSES

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

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000 and, in addition, up to $2,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

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

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

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

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

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

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $294,967,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,094 passenger motor vehicles, of which 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,750,921,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 1999; of which not less than $221,050,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''), and the Antiterrorism and Effective Death Penalty Act of 1996 (''the Antiterrorism Act''), $179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; $57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act; $4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; $9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and $5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $44,506,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $723,841,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 1999; and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $403,537,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $8,000,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,904, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility; $1,657,886,000 of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 1998: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis: Provided further, That not to exceed 43 permanent positions and 43 full-time equivalent workyears and $4,167,000 shall be expended for the Office of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That beginning seven calendar days after the enactment of this Act and for each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used by the Immigration and Naturalization Service to accept, for the purpose of conducting criminal background checks on applications for any benefit under the Immigration and Nationality Act, any FD–258 fingerprint card which has been prepared by or received from any individual or entity other than an office of the Immigration and Naturalization Service with the following exceptions—(1) State and local law enforcement agencies and (2) United States consular offices at United States embassies and consulates abroad under the jurisdiction of the Department of State or United States military offices under the jurisdiction of the Department of Defense authorized to perform fingerprinting services to prepare FD–258 fingerprint cards for applicants residing abroad applying for immigration benefits: Provided further, That agencies may collect and retain a fee for fingerprinting services: Provided further, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a

full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears after July 1, 1998: Provided further, That notwithstanding any other provision of law, during fiscal year 1998, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or Department Leadership on any matter.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $608,206,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $75,959,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 834, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,821,642,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 for the activation of new facilities shall remain available until September 30, 1999: Provided further, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $26,135,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $255,133,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this Act or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further, That, of the total amount appropriated, not to exceed $2,300,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

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

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,266,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, and sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, $173,600,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524); of which $25,000,000 is for the National Sexual Offender Registry: Provided, That, of funds appropriated under this heading, such funds are available as may be necessary to carry out the orderly termination of the Ounce of Prevention Council.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $509,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $46,500,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, including $2,097,000 which shall be available to the Executive Office of United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the ''Justice Assistance'' account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''); $2,382,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a ''unit of local government'' as well as a ''State'', for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That $20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: Provided further, That for the purpose of eligibility for the Local Law Enforcement Block Grant Program in the State of Louisiana, parish sheriffs are to be considered the unit of local government under section 108 of H.R. 728; of which $45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $42,500,000 shall be available as authorized by section 1001 of title I of the 1968 Act, to carry out the provisions of subpart 1, part E of title I of the 1968 Act notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $720,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive

Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, of which $25,000,000 shall be available for the Cooperative Agreement Program, and of which $5,000,000 shall be reserved by the Attorney General for fiscal year 1998 under section 20109(a) of subtitle A of title II of the 1994 Act; of which $7,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $172,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $12,000,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence: Provided further, That, of these funds, $7,000,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women and $853,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court; of which $59,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $2,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $2,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $12,500,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $750,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $30,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,500,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which $250,000,000 shall be for Juvenile Accountability Incentive Block Grants pursuant to Title III of H.R. 3 as passed by the House of Representatives on May 8, 1997: Provided further, That notwithstanding the requirements of H.R. 3, a State, or unit of local government within such State, shall be eligible for a grant under this program if the Governor of the State certifies to the Attorney General, consistent with guidelines established by the Attorney General in consultation with Congress, that the State is actively considering, or will consider within one year from the date of such certification, legislation, policies, or practices which if enacted would qualify the State for a grant under section 1802 of H.R. 3: Provided further, That 3 percent shall be available to the Attorney General for research, evaluation, and demonstration consistent with this program and 2 percent shall be available to the Attorney General for training and technical assistance consistent with this program: Provided further, That not less than 45 percent of any grant provided to a State or unit of local government shall be spent for the purposes set forth in paragraphs (3) through (9), and not less than 35 percent shall be spent for the purposes set forth in paragraphs (1), (2) and (10) of section 1801(b) of H.R. 3, unless the State or unit of local government certifies to the Attorney General or the State, whichever is appropriate, that the interests of public safety and juvenile crime control would be better served by expending its grant for other purposes set forth under section 1801(b) of H.R. 3: Provided further, That the Federal share limitation in section 1805(e) of H.R. 3 shall be 50 percent in relation to the costs of constructing a permanent juvenile corrections facility: Provided further, That prior to receiving a grant under this program, a unit of local government must establish a coordinated enforcement plan for reducing juvenile crime, developed by a juvenile crime enforcement coalition, such coalition consisting of individuals representing the police, sheriff, prosecutor, State or local probation services, juvenile court, schools, business, and religious affiliated, fraternal, non-profit, or social service organizations involved in crime prevention: Provided further, That the conditions of sections 1802(a)(3) and 1802(b)(1)(C) of H.R. 3 regarding juvenile adjudication records require a State or unit of local government to make available to the Federal Bureau of Investigation records of delinquency adjudications which are treated in a manner equivalent to adult records: Provided further, That no State or unit of local government may receive a grant under this program unless such State or unit of local government has implemented, or will implement no later than January 1, 1999, a policy of controlled substance testing for appropriate categories of juveniles within the juvenile justice system and funds received under this program may be expended for such purpose: Provided further, That the minimum allocation for each State under section 1803(a)(1)(A) of H.R. 3 shall be 0.5 percent: Provided further, That the terms and conditions under this heading for juvenile accountability incentive block grants are effective for fiscal year 1998 only and upon the enactment of authorization legislation for juvenile accountability incentive block grants, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect: Provided further, That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

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

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act'') (including administrative costs), $1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That not to exceed 186 permanent positions and 186 full-time equivalent workyears and $20,553,000 shall be expended for program management and administration: Provided further, That of the unobligated balances available in this program, $103,000,000 shall be used for innovative community policing programs, of which $38,000,000 shall be used for a law enforcement technology program, $1,000,000 shall be used for police recruitment programs authorized under subtitle H of title III of the 1994 Act, $34,000,000 shall be used for policing initiatives to combat methamphetamine production and trafficking, $12,500,000 shall be used for the Community Policing to Combat Domestic Violence Program pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and $17,500,000 shall be used for other innovative community policing programs, such as programs to improve the safety of elementary and secondary school children, reduce crime on or near elementary and secondary school grounds, and enhanced policing initiatives in drug ''hot spots''.

In addition, for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (''the Act''), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $201,672,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which (1) notwithstanding any other provision of law, $5,922,000 shall be available for expenses authorized by part A of title II of the Act, $96,500,000 shall be available for expenses authorized by part B of title II of the Act, and $45,250,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than one year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by section 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $12,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by

title V of the Act for incentive grants for local delinquency prevention programs: Provided further, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

In addition, for grants, contracts, cooperative agreements, and other assistance, $5,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, $25,000,000 shall be available for grants of $360,000 to each state and $6,640,000 shall be available for discretionary grants to states, for programs and activities to enforce state laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

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

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

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

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

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

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

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

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

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

SEC. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking ''1996'' and inserting ''1997 and thereafter''.

SEC. 109. (a) Section 1402(d) of the Victims of Crime Act of 1984, (42 U.S.C. 10601(d)), is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2), by striking ''the next'' and inserting ''The first''.

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

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

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

(b) in section 286(r) by—

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

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

(3) striking subsection (4), and replacing it with, ''The amounts required to be refunded from the Fund for fiscal year 1998 and thereafter shall be refunded in accordance with estimates made in the budget request of the President for those fiscal years. Any proposed changes in the amounts designated in such budget requests shall only be made after Congressional reprogramming notification in accordance with the reprogramming guidelines for the applicable fiscal year.''; and

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

SEC. 111. (a) LIMITATION ON ELIGIBILITY UNDER SECTION 245(i).—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking ''(i)(1)'' through ''The Attorney General'' and inserting the following:

''(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States—

''(A) who—

''(i) entered the United States without inspection; or

''(ii) is within one of the classes enumerated in subsection (c) of this section; and

''(B) who is the beneficiary (including a spouse or child of the principal alien, if eligible to receive a visa under section 203(d)) of—

''(i) a petition for classification under section 204 that was filed with the Attorney General on or before January 14, 1998; or

''(ii) an application for a labor certification under section 212(a)(5)(A) that was filed pursuant to the regulations of the Secretary of Labor on or before such date;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General''.

(b) REPEAL OF SUNSET FOR SECTION 245(i).—Section 506(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 103–317; 108 Stat. 1766) is amended to read as follows:

''(c) The amendment made by subsection (a) shall take effect on October 1, 1994, and shall cease to have effect on October 1, 1997. The amendment made by subsection (b) shall take effect on October 1, 1994.''.

(c) INAPPLICABILITY OF CERTAIN PROVISIONS OF SECTION 245(c) FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)(2), by inserting ''subject to subsection (k),'' after ''(2)''; and

(2) by adding at the end the following:

''(k) An alien who is eligible to receive an immigrant visa under paragraph (1), (2), or (3) of section 203(b) (or, in the case of an alien who is an immigrant described in section 101(a)(27)(C), under section 203(b)(4)) may adjust status pursuant to subsection (a) and notwithstanding subsection (c)(2), (c)(7), and (c)(8), if—

''(1) the alien, on the date of filing an application for adjustment of status, is present in the United States pursuant to a lawful admission;

''(2) the alien, subsequent to such lawful admission has not, for an aggregate period exceeding 180 days—

''(A) failed to maintain, continuously, a lawful status;

''(B) engaged in unauthorized employment; or

''(C) otherwise violated the terms and conditions of the alien's admission.''.

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

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

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

''(B) who—

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

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

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

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

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

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

''(ii) in the case of an applicant claiming to have served in a recognized guerilla unit, the United States Department of the Army; or

''(iii) in the case of an applicant claiming to have served in the Philippine Scouts or any other component of the United States Armed Forces in the Far East (other than a component

described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946, the United States executive department (or successor thereto) that exercised supervision over such component.

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

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

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

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

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

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

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

(d) EFFECTIVE DATE; TERMINATION DATE.—

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

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

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

''(J) an immigrant who is present in the United States—

''(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;

''(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

''(iii) in whose case the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;

Except that—

''(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction; and

''(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or''.

SEC. 114. Not to exceed $200,000 of funds appropriated under section 1304 of title 31, United States Code, shall be available for payment pursuant to the Hearing Officer's Report in United States Court of Federal Claims No. 93–645X (June 3, 1996) (see 35 Fed. Cl. 99 (March 7, 1996)).

SEC. 115. (a) STANDARDS FOR SEX OFFENDER REGISTRATION PROGRAMS.—

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

(A) in paragraph (1)—

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

(ii) in subparagraph (B), by striking ''with a designated State law enforcement agency'';

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

''(2) DETERMINATION OF SEXUALLY VIOLENT PREDATOR STATUS; WAIVER; ALTERNATIVE MEASURES.—

''(A) IN GENERAL.—A determination of whether a person is a sexually violent predator for purposes of this section shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies.

''(B) WAIVER.—The Attorney General may waive the requirements of subparagraph (A) if the Attorney General determines that the State has established alternative procedures or legal standards for designating a person as a sexually violent predator.

''(C) ALTERNATIVE MEASURES.—The Attorney General may also approve alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth in this section regarding sexually violent predators.'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''that consists of—'' and inserting ''in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:'';

(ii) in subparagraph (B), by striking ''that consists of'' and inserting ''in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by''; and

(D) by adding at the end the following:

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

''(G) The term 'student' means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.''.

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

(A) in paragraph (1)—

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

''(1) DUTIES OF RESPONSIBLE OFFICIALS.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''or in the case of probation, the court'' and inserting ''the court, or another responsible officer or official'';

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

(III) in clause (iii), by striking ''shall register'' and all that follows before the semicolon and inserting ''shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence, and inform the person that the person must also register in a State where the person is employed, carries on a vocation, or is a student''; and

(iii) in subparagraph (B), by striking ''or the court'' and inserting '', the court, or another responsible officer or official'';

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

''(2) TRANSFER OF INFORMATION TO STATE AND FBI; PARTICIPATION IN NATIONAL SEX OFFENDER REGISTRY.—

''(A) STATE REPORTING.—State procedures shall ensure that the registration information is promptly made available to a law enforcement agency having jurisdiction where the person expects to reside and entered into the appropriate State records or data system. State procedures shall also ensure that conviction data and fingerprints for persons required to register are promptly transmitted to the Federal Bureau of Investigation.

''(B) NATIONAL REPORTING.—A State shall participate in the national database established under section 170102(b) in accordance with guidelines issued by the Attorney General, including transmission of current address information and other information on registrants to the extent provided by the guidelines.'';

(C) in paragraph (3)(A)—

(i) in the matter preceding clause (i), by striking ''on each'' and all that follows through ''applies:'' and inserting the following: ''State procedures shall provide for verification of address at least annually.''; and

(ii) by striking clauses (i) through (v);

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

(E) in paragraph (5), by striking ''shall register'' and all that follows before the period at the end and inserting ''and who moves to another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided promptly to an agency responsible for registration in the new State, if that State requires registration''; and

(F) by adding at the end the following:

''(7) REGISTRATION OF OUT-OF-STATE OFFENDERS, FEDERAL OFFENDERS, PERSONS SENTENCED BY COURTS MARTIAL, AND OFFENDERS CROSSING STATE BORDERS.—As provided in guidelines issued by the Attorney General, each State shall include in its registration program residents who were convicted in another State and shall ensure that procedures are in place to accept registration information from—

''(A) residents who were convicted in another State, convicted of a Federal offense, or sentenced by a court martial; and

''(B) nonresident offenders who have crossed into another State in order to work or attend school.''.

(3) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by redesignating subsections (c) through (f) as (d) through (g), respectively, and inserting after subsection (b) the following:

''(c) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Any person who is required under this section to register in the State in which such person resides shall also register in any State in which the person is employed, carries on a vocation, or is a student.''.

(4) RELEASE OF INFORMATION.—Section 170101(e)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)), as redesignated by subsection (c) of this section, is amended by striking ''The designated'' and all that follows through ''State

agency'' and inserting ''The State or any agency authorized by the State''.

(5) IMMUNITY FOR GOOD FAITH CONDUCT.—Section 170101(f) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(f)), as redesignated by subsection (c) of this section, is amended by striking '', and State officials'' and inserting ''and independent contractors acting at the direction of such agencies, and State officials''.

(6) FBI REGISTRATION.—(A) Section 170102(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(2)) is amended by striking ''and 'predatory'" and inserting the following: "'predatory', 'employed, or carries on a vocation', and 'student'".

(B) Section 170102(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(3)) is amended—

(i) in subparagraph (A), by inserting ''in a range of offenses specified by State law which is comparable to or exceeds that'' before ''described'';

(ii) by amending subparagraph (B) to read as follows:

''(B) participates in the national database established under subsection (b) of this section in conformity with guidelines issued by the Attorney General;''; and

(iii) by amending subparagraph (C) to read as follows:

''(C) provides for verification of address at least annually;''.

(C) Section 170102(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(i)) in the matter preceding paragraph (1), is amended by inserting ''or pursuant to section 170101(b)(7)'' after ''subsection (g)''.

(7) PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996.—Section 10 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 is amended by inserting at the end the following:

''(d) EFFECTIVE DATE.—States shall be allowed the time specified in subsection (b) to establish minimally sufficient sexual offender registration programs for purposes of the amendments made by section 2. Subsections (c) and (k) of section 170102 of the Violent Crime Control and Law Enforcement Act of 1994, and any requirement to issue related regulations, shall take effect at the conclusion of the time provided under this subsection for the establishment of minimally sufficient sexual offender registration programs.''.

(8) FEDERAL OFFENDERS AND MILITARY PERSONNEL.—(A) Section 4042 of title 18, United States Code, is amended—

(i) in subsection (a)(5), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)'';

(ii) in subsection (b), by striking paragraph (4);

(iii) by redesignating subsection (c) as subsection (d); and

(iv) by inserting after subsection (b) the following:

''(c) NOTICE OF SEX OFFENDER RELEASE.—(1) In the case of a person described in paragraph (4) who is released from prison or sentenced to probation, notice shall be provided to—

''(A) the chief law enforcement officer of the State and of the local jurisdiction in which the person will reside; and

''(B) a State or local agency responsible for the receipt or maintenance of sex offender registration information in the State or local jurisdiction in which the person will reside.

The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.

''(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall be subject to a registration requirement as a sex offender. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described in paragraph (4) during any period of probation, supervised release, or parole shall also be provided to the agencies and officers specified in paragraph (1) by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.

''(3) The Director of the Bureau of Prisons shall inform a person described in paragraph (4) who is released from prison that the person shall be subject to a registration requirement as a sex offender in any State in which the person resides, is employed, carries on a vocation, or is a student (as such terms are defined for purposes of section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994), and the same information shall be provided to a person described in paragraph (4) who is sentenced to probation by the probation officer responsible for supervision of the person or in a manner specified by the Director of the Administrative Office of the United States Courts.

''(4) A person is described in this paragraph if the person was convicted of any of the following offenses (including such an offense prosecuted pursuant to section 1152 or 1153):

''(A) An offense under section 1201 involving a minor victim.

''(B) An offense under chapter 109A.

''(C) An offense under chapter 110.

''(D) An offense under chapter 117.

''(E) Any other offense designated by the Attorney General as a sexual offense for purposes of this subsection.

''(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).''.

(B)(i) Section 3563(a) of title 18, United States Code, is amended by striking the matter at the end of paragraph (7) beginning with ''The results of a drug test'' and all that follows through the end of such paragraph and inserting that matter at the end of section 3563.

(ii) The matter inserted by subparagraph (A) at the end of section 3563 is amended—

(I) by striking ''The results of a drug test'' and inserting the following:

''(e) RESULTS OF DRUG TESTING.—The results of a drug test''; and

(II) by striking ''paragraph (4)'' each place it appears and inserting ''subsection (a)(5)''.

(iii) Section 3563(a) of title 18, United States Code, is amended—

(I) so that paragraphs (6) and (7) appear in numerical order immediately after paragraph (5);

(II) by striking ''and'' at the end of paragraph (6);

(III) in paragraph (7), by striking ''assessments.'' and inserting ''assessments; and''; and

(IV) by inserting immediately after paragraph (7) (as moved by clause (i)) the following new paragraph:

''(8) for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).''.

''(iv) Section 3583(d) of title 18, United States Code, is amended by inserting after the second sentence the following: ''The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).''.

(v) Section 4209(a) of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting after the first sentence the following: ''In every case, the Commission shall impose as a condition of parole for a person described in section 4042(c)(4), that the parolee report the address where the parolee will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the parolee register in any State where the parolee resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).''.

(C)(i) The Secretary of Defense shall specify categories of conduct punishable under the Uniform Code of Military Justice which encompass a range of conduct comparable to that described in section 170101(a)(3)(A) and (B) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3)(A) and (B)), and such other conduct as the Secretary deems appropriate for inclusion for purposes of this subparagraph.

(ii) In relation to persons sentenced by a court martial for conduct in the categories specified under clause (i), the Secretary shall prescribe procedures and implement a system to—

(I) provide notice concerning the release from confinement or sentencing of such persons;

(II) inform such persons concerning registration obligations; and

(III) track and ensure compliance with registration requirements by such persons during any period of parole, probation, or other conditional release or supervision related to the offense.

(iii) The procedures and requirements established by the Secretary under this subparagraph shall, to the maximum extent practicable, be consistent with those specified for Federal offenders under the amendments made by subparagraphs (A) and (B).

(iv) If a person within the scope of this subparagraph is confined in a facility under the control of the Bureau of Prisons at the time of release, the Bureau of Prisons shall provide notice of release and inform the person concerning registration obligations under the procedures specified in section 4042(c) of title 18, United States Code.

(9) PROTECTED WITNESS REGISTRATION.—Section 3521(b)(1) of title 18, United States Code, is amended—

(A) by striking ''and'' at the end of subparagraph (G);

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) protect the confidentiality of the identity and location of persons subject to registration requirements as convicted offenders under Federal or State law, including prescribing alternative procedures to those otherwise provided by Federal or State law for registration and tracking of such persons; and''.

(b) SENSE OF CONGRESS AND REPORT RELATING TO STALKING LAWS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that each State should have in effect a law that makes it a crime to stalk any individual, especially children, without requiring that such individual be physically harmed or abducted before a stalker is restrained or punished.

(2) REPORT.—The Attorney General shall include in an annual report under section 40610 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14039) information concerning existing or proposed State laws and penalties for stalking crimes against children.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, except that—

(1) subparagraphs (A), (B), and (C) of subsection (a)(8) shall take effect 1 year after the date of the enactment of this Act; and

(2) States shall have 3 years from such date of enactment to implement amendments made by this Act which impose new requirements under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, and the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement these amendments.

SEC. 116. (a) IN GENERAL.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153; Public Law 102–395) is amended—

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

(2) by striking ''five years'' and inserting ''seven years''.

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

SEC. 117. For fiscal year 1998, the Attorney General shall provide a magnetometer and not less than one qualified guard at each unsecured entrance to the real property (including offices, buildings, and related grounds and facilities) that is leased to the United States as a place of employment for Federal employees at 625 Silver, S.W., in Albuquerque, New Mexico for the duration of time that Department of Justice employees are occupants of this building, after which the General Services Administration shall provide the same level of security equipment and personnel at this location until the date on which the new Albuquerque federal building is occupied.

SEC. 118. Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

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

''(B)(i) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

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

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

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

SEC. 119. Section 1701(b)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended to read as follows—

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

SEC. 120. Section 233(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1245) is amended by striking ''1 year after the date of enactment of this Act'' and inserting ''October 1, 1999''.

SEC. 121. (a) DEFINITIONS.—In this section—

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

(2) the term ''DNA'' means deoxyribonucleic acid; and

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

(A) has been convicted in Federal court of—

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

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

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

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

(1) a system for—

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

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

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

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

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

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

SEC. 122. (a) Notwithstanding any other provision of law relating to position classification or employee pay or performance, during the 3-year period beginning on the date of enactment of this Act, the Director of the Federal Bureau of Investigation may, with the approval of the Attorney General, establish a personnel management system providing for the compensation and performance management of not more than 3,000 non-Special Agent employees to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Federal Bureau of Investigation.

(b) Except as otherwise provided by law, no employee compensated under any system established under this section may be paid at a rate in excess of the rate payable for a position at level III of the Executive Schedule.

(c) Total payments to employees under any system established under this section shall be subject to the limitation on payments to employees set forth in section 5307 of title 5, United States Code.

(d) Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on Appropriations and the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, an operating plan describing the Director's intended use of the authority under this section, and identifying any provisions of title 5, United States Code, being waived for purposes of any personnel management system to be established by the Director under this section.

(e) Any performance management system established under this section shall have not less than 2 levels of performance above a retention standard.

(f) Not later than March 31, 2000, the Director of the Federal Bureau of Investigation shall submit to Congress an evaluation of the performance management system established under this section, which shall include—

(1) a comparison of—

(A) the compensation, benefits, and performance management provisions governing personnel of similar employment classification series in other departments and agencies of the Federal Government; and

(B) the costs, consistent with standards prescribed in Office of Management and Budget Circular A–76, of contracting for any services provided through those departments and agencies; and

(2) if appropriate, a recommendation for legislation to extend the authority under this section.

(g) Notwithstanding any other provision of law, the Secretary of the Treasury shall have the same authority provided to the Office of Personnel Management under section 4703 of title 5, United States Code, to establish, in the discretion of the Secretary, demonstration projects for a period of 3 years, for not to exceed a combined total of 950 employees, to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, and the United States Secret Service.

(h) The authority under this section shall terminate 3 years after the date of enactment of this Act.

SEC. 123. (a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking ''permits'' and inserting ''requires''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''no prisoner release order shall be entered unless'' and inserting ''no court shall enter a prisoner release order unless''; and

(ii) in subparagraph (F)—

(I) by inserting ''including a legislator'' after ''local official''; and

(II) by striking ''program'' and inserting ''prison'';

(2) in subsection (b)(3), by striking ''current or ongoing'' and inserting ''current and ongoing'';

(3) in subsection (e)—

(A) in paragraph (1), by adding at the end the following: ''Mandamus shall lie to remedy any failure to issue a prompt ruling on such a motion.'';

(B) in paragraph (2), by striking ''Any prospective relief subject to a pending motion shall be automatically stayed'' and inserting ''Any motion to modify or terminate prospective relief made under subsection (b) shall operate as a stay''; and

(C) by adding at the end the following:

''(3) POSTPONEMENT OF AUTOMATIC STAY.—The court may postpone the effective date of an automatic stay specified in subsection (e)(2)(A) for not more than 60 days for good cause. No postponement shall be permissible because of general congestion of the court's calendar.

''(4) ORDER BLOCKING THE AUTOMATIC STAY.—Any order staying, suspending, delaying, or barring the operation of the automatic stay described in paragraph (2) (other than an order to postpone the effective date of the automatic stay under paragraph (3)) shall be treated as an order refusing to dissolve or modify an injunction and shall be appealable pursuant to section 1292(a)(1) of title 28, United States Code, regardless of how the order is styled or whether the order is termed a preliminary or a final ruling.''.

(b) EFFECTIVE DATE.—The amendments made by this Act shall take effect upon the date of the enactment of this Act and shall apply to pending cases.

SEC. 124. Section 524(c)(8)(B) of title 28, United States Code, is amended by deleting ''1996, and 1997,'' and inserting ''and 1996,'' in place thereof.

SEC. 125. Section 217(f) of the Immigration and Nationality Act (8 U.S.C. 1187(f)) is amended to read as follows:

''(f) DEFINITION OF PILOT PROGRAM PERIOD.—For purposes of this section, the term 'pilot program period' means the period beginning on October 1, 1988, and ending on April 30, 1998.''.

SEC. 126. Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), is amended in subsection (g) by striking ''December 31, 1997'' and inserting ''May 1, 1998''.

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

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $23,450,000, of which $2,500,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses: Provided further, That the total number of political appointees on board as of May 1, 1998, shall not exceed 25 positions.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $41,200,000 to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $283,066,000, to remain available until expended: Provided, That of the $287,866,000 provided for in direct obligations (of which $283,066,000 is appropriated from the General Fund, and $4,800,000 is derived from unobligated balances and deobligations from prior years), $58,986,000 shall be for Trade Development, $17,340,000 shall be for Market Access and Compliance, $28,770,000 shall be for the Import Administration, $171,070,000 shall be for the United States and Foreign Commercial Service, and $11,700,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $43,900,000 to remain available until expended, of which $1,900,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $340,000,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided further, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $21,028,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $25,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $47,499,000, to remain available until September 30, 1999.

ECONOMICS AND STATISTICS ADMINISTRATION

REVOLVING FUND

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

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $137,278,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to conduct the decennial census, $389,887,000, to remain available until expended: Provided, That of this amount, $4,000,000 shall be transferred to the Census Monitoring Board for necessary expenses as authorized by section 210 of this Act.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $165,926,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $16,550,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. §§ 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: Provided further, That, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Telecommunications Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $20,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $691,000,000, to remain available until expended: Provided, That of this amount, $664,000,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at $0: Provided further, That during fiscal year 1998, should the total amount of offsetting fee collections be less than $664,000,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: Provided further, That any fees received in excess of $664,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That the remaining $27,000,000 shall be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law and shall remain available until expended.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,500,000, of which not to exceed $1,600,000 shall remain available until September 30, 1999.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $276,852,000, to remain available until expended, of which not to exceed $3,800,000 shall be used to fund a cooperative agreement with Texas Tech University for wind research; and of which not to exceed $5,000,000 of the amount above $268,000,000 shall be used to fund a cooperative agreement with Montana State University for a research program on green buildings; and of which not to exceed $1,625,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $113,500,000, to remain available until expended, of which not to exceed $300,000 may be transferred to the ''Working Capital Fund'': Provided, That notwithstanding the time limitations imposed by 15 U.S.C. 278k(c) (1) and (5) on the duration of Federal financial assistance that may be awarded by the Secretary of Commerce to Regional Centers for the transfer of Manufacturing Technology (''Centers''), such Federal financial assistance for a Center may continue beyond six years and may be renewed for additional periods, not to exceed one year, at a rate not to exceed one-third of the Center's total annual costs, subject before any such renewal to a positive evaluation of the Center and to a finding by the Secretary of Commerce that continuation of Federal funding to the Center is in the best interest of the Regional Centers for the transfer of Manufacturing Technology Program: Provided further, That the Center's most recent performance evaluation is positive, and the Center has submitted a reapplication which has successfully passed merit review.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $192,500,000, to remain available until expended, of which not to exceed $82,000,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the ''Working Capital Fund''.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $95,000,000, to remain available until expended: Provided, That of the amounts provided under this heading, $78,308,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 283 commissioned officers on the active list as of September 30, 1998; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,512,050,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such additional fees are received during fiscal year 1998, so as to result in a final General Fund appropriation estimated at not more than $1,509,050,000: Provided further, That any such additional fees received in excess of $3,000,000 in fiscal year 1998 shall not be available for obligation until October 1, 1998: Provided further, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $62,381,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: Provided further, That unexpended balances in the accounts ''Construction'' and ''Fleet Modernization, Shipbuilding and Conversion'' shall be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $491,609,000, to remain available until expended: Provided, That not to exceed $116,910,000 is available for the advanced weather interactive processing system, and may be available for obligation and expenditure only pursuant to a certification by the Secretary of Commerce that the total cost to complete the acquisition and deployment of the advanced weather interactive processing system and NOAA Port system, including program management, operations and maintenance costs through deployment will not exceed $188,700,000: Provided further, That unexpended balances of amounts previously made available in the ''Operations, Research, and Facilities'' account and the ''Construction'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

COASTAL ZONE MANAGEMENT FUND

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

FISHERMEN'S CONTINGENCY FUND

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

FOREIGN FISHING OBSERVER FUND

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

FISHERIES FINANCE PROGRAM ACCOUNT

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

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $27,490,000.

OFFICE OF INSPECTOR GENERAL

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

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $20,500,000 are rescinded.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $3,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

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

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

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

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

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. (a) Congress finds that—

(1) it is the constitutional duty of the Congress to ensure that the decennial enumeration of the population is conducted in a manner consistent with the Constitution and laws of the United States;

(2) the sole constitutional purpose of the decennial enumeration of the population is the apportionment of Representatives in Congress among the several States;

(3) section 2 of the 14th article of amendment to the Constitution clearly states that Representatives are to be ''apportioned among the several States according to their respective numbers, counting the whole number of persons in each State'';

(4) article I, section 2, clause 3 of the Constitution clearly requires an ''actual Enumeration'' of the population, and section 195 of title 13, United States Code, clearly provides ''Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title.'';

(5) the decennial enumeration of the population is one of the most critical constitutional functions our Federal Government performs;

(6) it is essential that the decennial enumeration of the population be as accurate as possible, consistent with the Constitution and laws of the United States;

(7) the use of statistical sampling or statistical adjustment in conjunction with an actual enumeration to carry out the census with respect to any segment of the population poses the risk of an inaccurate, invalid, and unconstitutional census;

(8) the decennial enumeration of the population is a complex and vast undertaking, and if such enumeration is conducted in a manner that does not comply with the requirements of the Constitution or laws of the United States, it would be impracticable for the States to obtain, and the courts of the United States to provide, meaningful relief after such enumeration has been conducted; and

(9) Congress is committed to providing the level of funding that is required to perform the entire range of constitutional census activities, with a particular emphasis on accurately enumerating all individuals who have historically been undercounted, and toward this end, Congress expects—

(A) aggressive and innovative promotion and outreach campaigns in hard-to-count communities;

(B) the hiring of enumerators from within those communities;

(C) continued cooperation with local government on address list development; and

(D) maximized census employment opportunities for individuals seeking to make the transition from welfare to work.

(b) Any person aggrieved by the use of any statistical method in violation of the Constitution or any provision of law (other than this Act), in connection with the 2000 or any later decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress, may in a civil action obtain declaratory, injunctive, and any other appropriate relief against the use of such method.

(c) For purposes of this section—

(1) the use of any statistical method as part of a dress rehearsal or other simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census; and

(2) the report ordered by title VIII of Public Law 105-18 and the Census 2000 Operational Plan shall be deemed to constitute final agency action regarding the use of statistical methods in the 2000 decennial census, thus making the question of their use in such census sufficiently concrete and final to now be reviewable in a judicial proceeding.

(d) For purposes of this section, an aggrieved person (described in subsection (b)) includes—

(1) any resident of a State whose congressional representation or district could be changed as a result of the use of a statistical method challenged in the civil action;

(2) any Representative or Senator in Congress; and

(3) either House of Congress.

(e)(1) Any action brought under this section shall be heard and determined by a district court of three judges in accordance with section 2284 of title 28, United States Code. The chief judge of the United States court of appeals for each circuit shall, to the extent practicable and consistent with the avoidance of unnecessary delay, consolidate, for all purposes, in one district court within that circuit, all actions pending in that circuit under this section. Any party to an action under this section shall be precluded from seeking any consolidation of that action other than is provided in this paragraph. In selecting the district court in which to consolidate such actions, the chief judge shall consider the convenience of the parties and witnesses and efficient conduct of such actions. Any final order or injunction of a United States district court that is issued pursuant to an action brought under this section shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under this section may be issued by a single Justice of the Supreme Court.

(2) It shall be the duty of a United States district court hearing an action brought under this section and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any such matter.

(f) Any agency or entity within the executive branch having authority with respect to the carrying out of a decennial census may in a civil action obtain a declaratory judgment respecting whether or not the use of a statistical method, in connection with such census, to determine the population for the purposes of the apportionment or redistricting of members in Congress is forbidden by the Constitution and laws of the United States.

(g) The Speaker of the House of Representatives or the Speaker's designee or designees may commence or join in a civil action, for and on behalf of the House of Representatives, under any applicable law, to prevent the use of any statistical method, in connection with the decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress. It shall be the duty of the Office of the General Counsel of the House of Representatives to represent the House in such civil action, according to the directions of the Speaker. The Office of the General Counsel of the House of Representatives may employ the services of outside counsel and other experts for this purpose.

(h) For purposes of this section and section 210—

(1) the term ''statistical method'' means an activity related to the design, planning, testing, or implementation of the use of representative sampling, or any other statistical procedure, including statistical adjustment, to add or subtract counts to or from the enumeration of the population as a result of statistical inference; and

(2) the term ''census'' or ''decennial census'' means a decennial enumeration of the population.

(i) Nothing in this Act shall be construed to authorize the use of any statistical method, in connection with a decennial census, for the apportionment or redistricting of members in Congress.

(j) Sufficient funds appropriated under this Act or under any other Act for purposes of the 2000 decennial census shall be used by the Bureau of the Census to plan, test, and become prepared to implement a 2000 decennial census, without using statistical methods, which shall result in the percentage of the total population actually enumerated being as close to 100 percent as possible. In both the 2000 decennial census, and any dress rehearsal or other simulation made in preparation for the 2000 decennial census, the number of persons enumerated without using statistical methods must be publicly available for all levels of census geography which are being released by the Bureau of the Census for (1) all data releases before January 1, 2001, (2) the data contained in the 2000 decennial census Public Law 94-171 data file released for use in redistricting, (3) the Summary Tabulation File One (STF-1) for the 2000 decennial census, and (4) the official populations of the States transmitted from the Secretary of Commerce through the President to the Clerk of the House used to reapportion the districts of the House among the States as a result of the 2000 decennial census. Simultaneously with any other release or reporting of any of the information described in the preceding sentence through other means, such information shall be made available to the public on the Internet. These files of the Bureau of the Census shall be available concurrently to the release of the original files to the same recipients, on identical media, and at a comparable price. They shall contain the number of persons enumerated without using statistical methods and any additions or subtractions thereto. These files shall be based on data gathered and generated by the Bureau of the Census in its official capacity.

(k) This section shall apply in fiscal year 1998 and succeeding fiscal years.

SEC. 210. (a) There shall be established a board to be known as the Census Monitoring Board (hereinafter in this section referred to as the ''Board'').

(b) The function of the Board shall be to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census (including all dress rehearsals and other simulations of a census in preparation therefor).

(c)(1) The Board shall be composed of 8 members as follows:

(A) 2 individuals appointed by the majority leader of the Senate.

(B) 2 individuals appointed by the Speaker of the House of Representatives.

(C) 4 individuals appointed by the President, of whom—

(i) 1 shall be on the recommendation of the minority leader of the Senate; and

(ii) 1 shall be on the recommendation of the minority leader of the House of Representatives.

All members of the Board shall be appointed within 60 days after the date of enactment of this Act. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(2) Members shall not be entitled to any pay by reason of their service on the Board, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) The Board shall have—

(A) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(C).

(4) The Board shall meet at the call of either co-chairman.

(5) A quorum shall consist of 5 members of the Board.

(6) The Board may promulgate any regulations necessary to carry out its duties.

(d)(1) The Board shall have—

(A) an executive director who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) an executive director who shall be appointed jointly by the members under subsection (c)(1)(C),

each of whom shall be paid at a rate not to exceed level IV of the Executive Schedule.

(2) Subject to such rules as the Board may prescribe, each executive director—

(A) may appoint and fix the pay of such additional personnel as that executive director considers appropriate; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of pay payable for grade GS-15 of the General Schedule.

Such rules shall include provisions to ensure an equitable division or sharing of resources, as appropriate, between the respective staff of the Board.

(3) The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(4) The Administrator of the General Services Administration, in coordination with the Secretary of Commerce, shall locate suitable office space for the operation of the Board in the W. Edwards Deming Building in Suitland, Maryland. The facilities shall serve as the headquarters of the Board and shall include all necessary equipment and incidentals required for the proper functioning of the Board.

(e)(1) For the purpose of carrying out its duties, the Board may hold such hearings (at the call of either co-chairman) and undertake such other activities as the Board determines to be necessary to carry out its duties.

(2) The Board may authorize any member of the Board or of its staff to take any action which the Board is authorized to take by this subsection.

(3)(A) Each co-chairman of the Board and any members of the staff who may be designated by the Board under this paragraph shall be granted access to any data, files, information, or other matters maintained by the Bureau of the Census (or received by it in the course of conducting a decennial census of population) which they may request, subject to such regulations as the Board may prescribe in consultation with the Secretary of Commerce.

(B) The Board or the co-chairmen acting jointly may secure directly from any other Federal agency, including the White House, all information that the Board considers necessary to enable the Board to carry out its duties. Upon request of the Board or both co-chairmen, the head of that agency (or other person duly designated for purposes of this paragraph) shall furnish that information to the Board.

(4) The Board shall prescribe regulations under which any member of the Board or of its staff, and any person whose services are procured under subsection (d)(2)(B), who gains access to any information or other matter pursuant to this subsection shall, to the extent that any provisions of section 9 or 214 of title 13, United States Code, would apply with respect to such matter in the case of an employee of the Department of Commerce, be subject to such provisions.

(5) Upon the request of the Board, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Board to assist the Board in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(6) Upon the request of the Board, the head of a Federal agency shall provide such technical assistance to the Board as the Board determines to be necessary to carry out its duties.

(7) The Board may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(8) Upon request of the Board, the Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(9) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Board shall be deemed to be a committee of the Congress.

(f)(1) The Board shall transmit to the Congress—

(A) interim reports, with the first such report due by April 1, 1998;

(B) additional reports, the first of which shall be due by February 1, 1999, the second of which shall be due by April 1, 1999, and subsequent reports at least semiannually thereafter;

(C) a final report which shall be due by September 1, 2001; and

(D) any other reports which the Board considers appropriate.

The final report shall contain a detailed statement of the findings and conclusions of the Board with respect to the matters described in subsection (b).

(2) In addition to any matter otherwise required under this subsection, each such report shall address, with respect to the period covered by such report—

(A) the degree to which efforts of the Bureau of the Census to prepare to conduct the 2000 census—

(i) shall achieve maximum possible accuracy at every level of geography;

(ii) shall be taken by means of an enumeration process designed to count every individual possible; and

(iii) shall be free from political bias and arbitrary decisions; and

(B) efforts by the Bureau of the Census intended to contribute to enumeration improvement, specifically, in connection with—

(i) computer modernization and the appropriate use of automation;

(ii) address list development;

(iii) outreach and promotion efforts at all levels designed to maximize response rates, especially among groups that have historically been undercounted (including measures undertaken in conjunction with local government and community and other groups);

(iv) establishment and operation of field offices; and

(v) efforts relating to the recruitment, hiring, and training of enumerators.

(3) Any data or other information obtained by the Board under this section shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon request of the chairman or ranking minority member of such committee or subcommittee. No such committee or subcommittee, or member thereof, shall disclose any information obtained under this paragraph which is submitted to it on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest.

(4) The Board shall study and submit to Congress, as part of its first report under paragraph (1)(A), its findings and recommendations as to the feasibility and desirability of using postal personnel or private contractors to help carry out the decennial census.

(g) There is authorized to be appropriated $4,000,000 for each of fiscal years 1998 through 2001 to carry out this section.

(h) To the extent practicable, members of the Board shall work to promote the most accurate and complete census possible by using their positions to publicize the need for full and timely responses to census questionnaires.

(i)(1) No individual described in paragraph (2) shall be eligible—

(A) to be appointed or to continue serving as a member of the Board or as a member of the staff thereof; or

(B) to enter into any contract with the Board.

(2) This subsection applies with respect to any individual who is serving or who has ever served—

(A) as the Director of the Census; or

(B) with any committee or subcommittee of either House of Congress, having jurisdiction over any aspect of the decennial census, as—

(i) a Member of Congress; or

(ii) a congressional employee.

(j) The Board shall cease to exist on September 30, 2001.

(k) Section 9(a) of title 13, United States Code, is amended in the matter before paragraph (1) thereof by striking ''of this title—'' and inserting ''of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998—''.

SEC. 211. (a) Section 401 of title 22, United States Code, is amended—

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

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

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

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

SEC. 212. Notwithstanding any other provision of law, the Economic Development Administration is directed to transfer funds obligated and awarded to the Butte-Silver Bow Consolidated Local Government as Project Number 05–01–02822 to the Butte Local Development Corporation Revolving Loan Fund to be administered by the Butte Local Development Corporation, such funds to remain available until expended. And, in accordance with section 1557 of title 31, United States Code, funds obligated and awarded in fiscal year 1994 under the heading ''Economic Development Administration-Economic Development Assistance Programs'' for Metropolitan Dade County, Florida, and subsequently transferred to Miami-Dade Community College for Project No. 04–49–04021 shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure without fiscal year limitation.

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

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $29,245,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,400,000, of which $485,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $15,575,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,449,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,682,400,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; of which $900,000 shall be transferred to the Commission on Structural Alternatives for the Federal Courts of Appeals, to remain available until expended; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

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

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $40,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); $329,529,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $64,438,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $167,214,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $52,000,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

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

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

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

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,240,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

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

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

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

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

SEC. 305. (a) COMMISSION ON STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS.—

(1) ESTABLISHMENT AND FUNCTIONS OF COMMISSION.—

(A) ESTABLISHMENT.—There is established a Commission on Structural Alternatives for the Federal Courts of Appeals (hereinafter referred to as the ''Commission'').

(B) FUNCTIONS.—The functions of the Commission shall be to—

(i) study the present division of the United States into the several judicial circuits;

(ii) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(iii) report to the President and the Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 5 members who shall be appointed by the Chief Justice of the United States.

(B) APPOINTMENT.—The members of the Commission shall be appointed within 30 days after the date of enactment of this Act.

(C) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(D) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(E) QUORUM.—Three members of the Commission shall constitute a quorum, but two may conduct hearings.

(3) COMPENSATION.—

(A) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(B) PRIVATE MEMBERS.—Members of the Commission from private life shall receive $200 for each day (including travel time) during which the member is engaged in the actual performance of duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(4) PERSONNEL.—

(A) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the compensation of such additional personnel as the Executive Director determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this paragraph shall not exceed the annual maximum rate of basic pay for a position above GS–15 of the General Schedule under section 5108 of title 5, United States Code.

(C) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(D) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, to the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services to the Commission on a reimbursable basis.

(5) INFORMATION.—The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance the Commission determines necessary to carry out its functions under this section. Each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

(6) REPORT.—The Commission shall conduct the studies required in this section during the 10-month period beginning on the date on which a quorum of the Commission has been appointed. Not later than 2 months following the completion of such 10-month period, the Commission shall submit its report to the President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums, not to exceed $900,000, as may be necessary to carry out the purposes of this section. Such sums as are appropriated shall remain available until expended.

SEC. 306. Pursuant to section 140 of Public Law 97–92, justices and judges of the United States are authorized during fiscal year 1998, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $5,000,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in Title III of this Act.

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

SEC. 308. Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4) DISCLOSURE OF FEES.—

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

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

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

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

''(I) Arraignment and or plea.

''(II) Bail and detention hearings.

''(III) Motions.

''(IV) Hearings.

''(V) Interviews and conferences.

''(VI) Obtaining and reviewing records.

''(VII) Legal research and brief writing.

''(VIII) Travel time.

''(IX) Investigative work.

''(X) Experts.

''(XI) Trial and appeals.

''(XII) Other.

''(C) TRIAL COMPLETED.—

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

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

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

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

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

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

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

''(v) the safety of any person; and

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

''(E) NOTICE.—The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in

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

''(F) EFFECTIVE DATE.—The amendment made by paragraph (4) shall become effective 60 days after enactment of this Act, will apply only to cases filed on or after the effective date, and shall be in effect for no longer than twenty-four months after the effective date.''.

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

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c), and 22 U.S.C. 2674; and for expenses of general administration; $1,705,600,000: Provided, That of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), fees may be collected during fiscal years 1998 and 1999 under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal years 1998 and 1999 as an offsetting collection to appropriations made under this heading to recover costs as set forth under section 140(a)(2) of that Act and shall remain available until expended.

In addition to funds otherwise available, of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and $17,312,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended.

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

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

In addition, for counterterrorism requirements overseas, including security guards and equipment, $23,700,000, to remain available until expended.

SALARIES AND EXPENSES

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

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $86,000,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

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

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,200,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $7,900,000, to remain available until September 30, 1999.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $404,000,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

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

REPATRIATION LOANS PROGRAM ACCOUNT

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

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $14,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

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

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $955,515,000, of which not to exceed $54,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of an Act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the United States assessed share of the United Nations regular budget to 20 percent and of peacekeeping operations to 25 percent; reimbursement for goods and services provided by the United States to the United Nations; certification that the United Nations and its specialized or affiliated agencies have not taken any action to infringe on the sovereignty of the United States; a ceiling on United States contributions to international organizations after fiscal year 1998 of $900,000,000; establishment of a merit-based personnel system at the United Nations that includes a code of conduct and a personnel evaluation system; United States membership on the Advisory Committee on Administrative and Budgetary Questions that oversees the United Nations budget; access to United Nations financial data by the General Accounting Office; and achievement of a negative growth budget and the establishment of independent inspectors general for affiliated organizations; and improved consultation procedures with the Congress: Provided further, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 and under such other requirements related to the Office of Internal Oversight Services of the United Nations as may be enacted into law for fiscal year 1998: Provided further, That certification under section 401(b) of Public Law 103–236 for fiscal year 1998 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on

or after October 1, 1984, through external borrowings: Provided further, That of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six-month period elsewhere in the United Nations budget and cause the United Nations to exceed the expected reform budget for the biennium 1998–1999 of $2,533,000,000: Provided further, That not to exceed $12,000,000 shall be transferred from funds made available under this heading to the ''International Conferences and Contingencies'' account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, provided that such transferred funds are obligated or expended only for Commission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing internationally-based monitoring systems involved in cooperative data sharing agreements with the United States as of date of enactment of this Act, until the U.S. Senate ratifies the Comprehensive Nuclear Test Ban Treaty.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security $256,000,000, of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of an Act described in the first proviso under the heading ''Contributions to International Organizations'' in this title: Provided further, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

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

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $17,490,000.

CONSTRUCTION

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

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,490,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

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

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $41,500,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES (RESCISSION)

Of the unexpended balances previously appropriated under this heading, $700,000 are rescinded.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

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

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $197,731,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): Provided, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other provision of law, fees from educational advising and counseling.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

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

ISRAELI ARAB SCHOLARSHIP PROGRAM

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

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities, $364,415,000, of which $12,100,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and

not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

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

RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $40,000,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $12,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $1,500,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

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

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

SEC. 403. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

SEC. 404. (a)(1) For purposes of implementing the International Cooperative Administrative Support Services program in fiscal year 1998, the amounts referred to in paragraph (2) shall be transferred in accordance with the provisions of subsection (b).

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

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

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

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

(1) Appropriations for the Legislative Branch—

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

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

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

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

(4) Appropriations for the Department of Justice—

(A) for legal activities—

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

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

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

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

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

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

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

(7) Appropriations to the President—

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

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

(C) for the Agency for International Development—

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

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

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

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

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

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

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

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

(E) for the Department of State—

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

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

(8) Appropriations for the Department of Defense—

(A) for operation and maintenance—

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

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

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

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

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

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

(10) Appropriations for the Department of Agriculture—

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

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

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

(11) Appropriations for the Department of Treasury—

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

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

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

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

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

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

(12) Appropriations for the Department of Transportation—

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

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

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

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

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

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

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

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

(16) Appropriations for the Department of the Interior—

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

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

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

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

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

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

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

(21) Appropriations for the Department of Energy—

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

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

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

(c)(1) The amount in subsection (a)(2)(A) is reduced by $2,800,000.

(2) Each amount in subsection (b) is reduced on a pro rata basis in the same proportion as $2,800,000 bears to $112,462,000, rounded to the nearest thousand.

SEC. 405. (a) An employee who regularly commutes from his or her place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization adjustment equal to the amount of comparability payments under section 5304 of title V, United States Code, that he or she would receive if assigned to an official duty station within the United States locality pay area closest to the employee's official duty station.

(b) For purposes of this section, the term ''employee'' shall mean a person who—

(1) is an ''employee'' as defined under section 2105 of title V, United States Code; and

(2) is employed by the United States Department of State, the United States Information Agency, the United States Agency for International Development, or the International Joint Commission, except that the term shall not include members of the Foreign Service as defined by section 103 of the Foreign Service Act of 1980 (P.L. 96–465), section 3903 of title 22 of the United States Code.

(c) An equalization adjustment payable under this section shall be considered basic pay for the same purposes as are comparability payments under section 5304 of title V, United States Code, and its implementing regulations.

(d) The agencies referenced in subsection (c)(2) are authorized to promulgate regulations to carry out the purposes of this section.

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

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies, as authorized by the Merchant Marine Act, 1936, as amended, $51,030,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $35,500,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $67,600,000: Provided, That reimbursements may be made to this appropriation from receipts to the ''Federal Ship Financing Fund'' for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $32,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,725,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

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

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

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $250,000, as authorized by Public Law 99–83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

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

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

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

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

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

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $186,514,000, of which not to exceed $300,000 shall remain available until September 30, 1999, for research and policy studies: Provided, That $162,523,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation estimated at $23,991,000: Provided further, That any offsetting collections received in excess of $162,523,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. App.

1111, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $14,000,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $88,500,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $18,500,000, to remain available until expended: Provided further, That any fees received in excess of $70,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Gambling Impact Study Commission, $1,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $283,000,000, of which $274,400,000 is for basic field programs and required independent audits; $1,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $7,100,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

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

(b) INAPPLICABILITY OF CERTAIN PROCEDURES.—Sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 2996j) shall not apply to the provision, denial, suspension, or termination of any financial assistance using funds appropriated in this Act.

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

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

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

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

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

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

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

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

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

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

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

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

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

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

SEC. 504. (a) DEBARMENT.—The Legal Services Corporation may debar a recipient, on a showing of good cause, from receiving an additional award of financial assistance from the Corporation. Any such action to debar a recipient shall be instituted after the Corporation provides notice and an opportunity for a hearing to the recipient.

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

(c) GOOD CAUSE.—In this section, the term ''good cause'', used with respect to debarment, includes—

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

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

(3) substantial violation by the recipient of the statutory or regulatory restrictions that prohibit recipients from using financial assistance made available by the Legal Services Corporation or other financial assistance for purposes prohibited under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or for involvement in any activity prohibited by, or inconsistent with, section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), section 502(a)(2) of Public Law 104–208 (110 Stat. 3009–59 et seq.), or section 502(a)(2) of this Act;

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

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

SEC. 505. (a) Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(b) Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in semiannual reports, the following information about each case filed by its attorneys in any court:

(1) The name and full address of each party to the legal action unless such information is protected by an order or rule of a court or by State or Federal law or revealing such information would put the client of the recipient of such Federal funds at risk of physical harm.

(2) The cause of action in the case.

(3) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(c) The case information disclosed in semi-annual reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.

SEC. 506. In establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,185,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $283,000,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance, (2) any travel and transportation to or from such meetings, and (3) any other related lodging or subsistance: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: Provided further, That not to exceed $249,523,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated from the General Fund for fiscal year 1998 under this heading shall be reduced as all such offsetting fees are deposited to this appropriation so as to result in a final total fiscal year 1998 appropriation from the General Fund estimated at not more than $33,477,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $254,200,000, of which: $3,000,000 shall

be available for a grant to Lackawanna County, Pennsylvania for infrastructure development to assist in small business development; $3,000,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; $2,000,000 shall be for a grant to Western Carolina University to develop a facility to assist in small business and rural economic development; $1,500,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; $1,000,000 shall be for a grant for the Genesis Small Business Incubator Facility, Fayetteville, Arkansas; and $500,000 shall be available for a continuation grant to the Center for Entrepreneurial Opportunity in Greensburg, Pennsylvania, to provide for small business consulting and assistance: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $75,800,000 shall be available to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

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

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, $181,232,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 1999: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 1998, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended: Provided further, That during fiscal year 1998, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act.

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

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $23,200,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $150,000,000, including not to exceed $500,000 for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums shall be transferred to and merged with appropriations for the Office of Inspector General.

SURETY BOND GUARANTEES REVOLVING FUND

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

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

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

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $6,850,000, to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

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

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

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

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

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

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

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

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

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

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for: (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days the following:

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

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

(ii) Recovering and repatriating American remains.

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

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

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

that are fully documented and available in unclassified and unredacted form to immediate family members.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

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

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

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

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

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

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings ''Operations, Research, and Facilities'' and ''Procurement, Acquisition and Construction'' may be used to implement sections 603, 604, and 605 of Public Law 102–567: Provided, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading ''OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 616. (a) None of the funds made available in this Act may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length or of more than 750 gross registered tons, and that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower—

(1) as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); or

(2) that would allow such a vessel to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States (except territories), unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997 and such fishery endorsement was not surrendered at any time thereafter.

(b) Any fishing permit or authorization issued or renewed prior to the date of the enactment of this Act for a fishing vessel to which the prohibition in subsection (a)(1) applies that would allow such vessel to engage in fishing for Atlantic mackerel or herring (or both) during fiscal year 1998 shall be null and void, and none of the funds made available in this Act may be used to issue a fishing permit or authorization that would allow a vessel whose permit or authorization was made null and void pursuant to this subsection to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States.

SEC. 617. During fiscal year 1998 and in any fiscal year thereafter, the court, in any criminal case (other than a case in which the defendant is represented by assigned counsel paid for by the public) pending on or after the date of the enactment of this Act, may award to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation expenses, where the court finds that the position of the United States was vexatious, frivolous, or in bad faith, unless the court finds that special circumstances make such an award unjust. Such awards shall be granted pursuant to the procedures and limitations (but not the burden of proof) provided for an award under section 2412 of title 28, United States Code. To determine whether or not to award fees and costs under this section, the court, for good cause shown, may receive evidence ex parte and in camera (which shall include the submission of classified evidence or evidence that reveals or might reveal the identity of an informant or undercover agent or matters occurring before a grand jury) and evidence or testimony so received shall be kept under seal. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

SEC. 618. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 619. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

SEC. 620. The second proviso of the second paragraph under the heading ''OFFICE OF THE CHIEF SIGNAL OFFICER.'' in the Act entitled ''An Act Making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one'', approved May 26, 1900 (31 Stat. 206; chapter 586; 47 U.S.C. 17), is repealed.

SEC. 621. (a) None of the funds appropriated or otherwise made available in this Act shall be used to issue visas to any person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 622. Section 3006 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251, 269) is hereby repealed. This section shall be deemed a section of the Balanced Budget Act of 1997 for the purposes of section 10213 of that Act (111 Stat. 712), and shall be scored pursuant to paragraph (2) of such section.

SEC. 623. REPORT ON UNIVERSAL SERVICE UNDER THE TELECOMMUNICATIONS ACT OF 1996.—(a) The Federal Communications Commission shall undertake a review of the implementation by the Commission of the provisions of the Telecommunications Act of 1996 (Public Law 104–104) relating to universal service. Such review shall be completed and submitted to the Congress no later than April 10, 1998.

(b) The report required under subsection (a) shall provide a detailed description of the extent to which the Commission interpretations reviewed under paragraphs (1) through (5) are consistent with the plain language of the Communications Act of 1934 (47 U.S.C. 151 et seq.), as amended by the Telecommunications Act of 1996, and shall include a review of—

(1) the definitions of ''information service,'' ''local exchange carrier,'' ''telecommunications,'' ''telecommunications service,'' ''telecommunications carrier,'' and ''telephone exchange service'' that were added to section 3 of the Communications Act of 1934 (47 U.S.C. 153) by the Telecommunications Act of 1996 and the impact of the Commission's interpretation of those definitions on the current and future provision of universal service to consumers in all areas of the nation, including high cost and rural areas;

(2) the application of those definitions to mixed or hybrid services and the impact of such application on universal service definitions and support, and the consistency of the Commission's application of those definitions, including with respect to Internet access under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h));

(3) who is required to contribute to universal service under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)) and related existing federal universal service support mechanisms, and of any exemption of providers or exclusion of any service that includes telecommunications from such requirement or support mechanisms;

(4) who is eligible under sections 254(e), 254(h)(1), and 254(h)(2) of the Communications Act of 1934 (47 U.S.C. 254(e), 254(h)(1), and 254(h)(2)) to receive specific federal universal service support for the provision of universal service, and the consistency with which the Commission has interpreted each of those provisions of section 254; and

(5) the Commission's decisions regarding the percentage of universal service support provided by federal mechanisms and the revenue base from which such support is derived.

SEC. 624. Section 6(d)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(d)(1)) is amended by striking the word ''fourteen'' and inserting in lieu thereof ''eight''.

SEC. 625. (a) Section 814(g)(1) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 2291 note) is amended by striking ''$325,000'' and inserting ''$370,000''.

(b) Section 814(i) of such section is amended by striking ''September 30, 1997'' and inserting ''September 30, 1999''.

SEC. 626. (a) IN GENERAL.—Notwithstanding any provision of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Administrator of General Services shall convey, to any person that acquires an interest in the Naval Petroleum Reserve Numbered 1 (Elk Hills) under subtitle B of title XXXIV of the National Defense Authorization Act for Fiscal Year 1996 (110 Stat. 631), not to exceed 318 motor vehicles that are leased for use at that reserve on November 6, 1997.

(b) PROCEDURES AND REQUIREMENTS.—Any conveyance of motor vehicles under this section shall be made—

(1) after payment to the United States of consideration equal to the fair market value of the motor vehicles; and

(2) under procedures, terms, and conditions that shall be established by negotiation between the Administrator of General Services and the person to whom the motor vehicles are conveyed.

(c) TREATMENT OF PROCEEDS.—Amounts received by the United States as consideration for motor vehicles conveyed under this section shall be retained in the General Supply Fund and available in the same manner as are increments for estimated replacement cost of motor vehicles under section 211(d)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 491(d)(2)).

SEC. 627. Section 19(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(a)) is amended to read as follows:

''(a) Subject to section 18, there are authorized to be appropriated, for fiscal year 1998, and for each fiscal year thereafter, an amount equal to the amount of funds derived from the assessments authorized by section 18(a).''.

SEC. 628. Notwithstanding the failure of Clarence P. Stewart of Broadway, North Carolina, to file a timely appeal of his wrongful dismissal, during a reduction in force, from the Department of Agriculture as a State Executive Director for the former Agricultural Stabilization and Conservation Service of the Department, the Secretary of Agriculture shall cause Clarence P. Stewart to be afforded relief that is fully commensurate with the relief afforded the similarly-dismissed appellants in the case before the Merit Systems Protection Board styled Blalock v. Department of Agriculture, 28 M.S.P.R. 17 (1985).

SEC. 629. Funds made available under Public Law 103–112 for the purposes of section 2007 of the Social Security Act shall be considered ''qualified nonprivate funds'' for the purposes of section 103(13)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 662(13)(B)); provided such funds were invested on or before July 1, 1995 in a licensee that was licensed prior to July 1, 1990 under section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681).

SEC. 630. Section 332 of the Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, H.R. 2107 (105th Congress, 1st Session), is amended as follows—

(1) after ''October 1, 1997'' strike '', or'' and insert in lieu thereof ''; those national forests''; and

(2) after ''court-ordered to revise'' strike '','' and insert in lieu thereof ''; and the White Mountain National Forest''.

SEC. 631. Section 512(b) of Public Law 105–61 is amended by adding before the period: ''unless the President announced his intent to nominate the individual prior to November 30, 1997''.

SEC. 632. (a) IN GENERAL.—The Secretary of Energy shall—

(1) convey, without consideration, to the Incorporated County of Los Alamos, New Mexico (in this section referred to as the ''County''), or to the designee of the County, fee title to the parcels of land that are allocated for conveyance to the County in the agreement under subsection (e); and

(2) transfer to the Secretary of the Interior, in trust for the Pueblo of San Ildefonso (in this section referred to as the ''Pueblo''), administrative jurisdiction over the parcels that are allocated for transfer to the Secretary of the Interior in such agreement.

(b) PRELIMINARY IDENTIFICATION OF PARCELS OF LAND FOR CONVEYANCE OR TRANSFER.—(1) Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report identifying the parcels of land under the jurisdiction or administrative control of the Secretary at or in the vicinity of Los Alamos National Laboratory that are suitable for conveyance or transfer under this section.

(2) A parcel is suitable for conveyance or transfer for purposes of paragraph (1) if the parcel—

(A) is not required to meet the national security mission of the Department of Energy or will not be required for that purpose before the end of the 10-year period beginning on the date of enactment of this Act;

(B) is likely to be conveyable or transferable, as the case may be, under this section not later than the end of such period; and

(C) is suitable for use for a purpose specified in subsection (h).

(c) REVIEW OF TITLE.—(1) Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of a title search on each parcel of land identified as suitable for conveyance or transfer under subsection (b), including an analysis of any claims against or other impairments to the fee title to each such parcel.

(2) In the period beginning on the date of the completion of the title search with respect to a parcel under paragraph (1) and ending on the date of the submittal of the report under that paragraph, the Secretary shall take appropriate actions to resolve the claims against or other impairments, if any, to fee title that are identified with respect to the parcel in the title search.

(d) ENVIRONMENTAL RESTORATION.—(1) Not later than 21 months after the date of enactment of this Act, the Secretary shall—

(A) identify the environmental restoration or remediation, if any, that is required with respect to each parcel of land identified under subsection (b) to which the United States has fee title;

(B) carry out any review of the environmental impact of the conveyance or transfer of each such parcel that is required under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) submit to Congress a report setting forth the results of the activities under subparagraphs (A) and (B).

(2) If the Secretary determines under paragraph (1) that a parcel described in paragraph (1)(A) requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the parcel not later than 10 years after the date of enactment of this Act.

(e) AGREEMENT FOR ALLOCATION OF PARCELS.—As soon as practicable after completing the review of titles to parcels of land under subsection (c), but not later than 90 days after the submittal of the report under subsection (d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo the parcels identified for conveyance or transfer under subsection (b).

(f) PLAN FOR CONVEYANCE AND TRANSFER.—(1) Not later than 90 days after the date of the submittal to the Secretary of Energy of the agreement under subsection (e), the Secretary shall submit to the congressional defense committees a plan for conveying or transferring parcels of land under this section in accordance with the allocation specified in the agreement.

(2) The plan under paragraph (1) shall provide for the completion of the conveyance or transfer of parcels under this section not later than 9 months after the date of the submittal of the plan under that paragraph.

(g) CONVEYANCE OR TRANSFER.—(1) Subject to paragraphs (2) and (3), the Secretary shall convey or transfer parcels of land in accordance with the allocation specified in the agreement submitted to the Secretary under subsection (e).

(2) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with the requirement in subsection (f)(2) by reason of its requirement to meet the national security mission of the Department, the Secretary shall convey or transfer the parcel, as the case may be, when the parcel is no longer required for that purpose.

(3)(A) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with such requirement by reason of requirements for environmental restoration or remediation, the Secretary shall convey or transfer the parcel, as the case may be, upon the completion of the environmental restoration or remediation that is required with respect to the parcel.

(B) If the Secretary determines that environmental restoration or remediation cannot reasonably be expected to be completed with respect to a parcel by the end of the 10-year period beginning on the date of enactment of this Act, the Secretary shall not convey or transfer the parcel under this section.

(h) USE OF CONVEYED OR TRANSFERRED LAND.—The parcels of land conveyed or transferred under this section shall be used for historic, cultural, or environmental preservation purposes, economic diversification purposes, or community self-sufficiency purposes.

(i) TREATMENT OF CONVEYANCES AND TRANSFERS.—(1) The purpose of the conveyances and transfers under this section is to fulfill the obligations of the United States with respect to Los Alamos National Laboratory, New Mexico, under sections 91 and 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391, 2394).

(2) Upon the completion of the conveyance or transfer of the parcels of land available for conveyance or transfer under this section, the Secretary shall make no further payments with respect to Los Alamos National Laboratory under section 91 or section 94 of the Atomic Energy Community Act of 1955.

(j) REPEAL OF SUPERSEDED PROVISION.—In the event of the enactment of the National Defense Authorization Act for Fiscal Year 1998 by reason of the approval of the President of the conference report to accompany the bill (H.R.1119) of the 105th Congress, section 3165 of such Act is repealed.

SEC. 633. Effective only for losses beginning March 1, 1997 through the date of enactment of this Act, the Secretary of Agriculture may use up to $6,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters pursuant to a Presidential or Secretarial declaration requested subsequent to enactment of Public Law 105–18 and prior to December 1, 1997, in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): Provided, That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 634. During fiscal year 1998, from funds available to the Department of Defense, up to $800,000 is available to the Department of Defense to compensate persons who have suffered documented commercial loss of cranberry crops in 1997 in the Mashpee or Falmouth bogs, located on the Quashnet and Coonamessett Rivers, respectively, as a result of the presence of ethylene dibromide (EDB) in or on cranberries from either of the plumes of EDB-contaminated groundwater known as ''FS–28'' and ''FS–1'' adjacent to the Massachusetts Military Reservation, Cape Cod, Massachusetts.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading on September 30, 1997, $100,000,000 are rescinded.

TITLE VIII—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', for emergency expenses to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act for the Bristol Bay and Kuskokwim areas of Alaska, $7,000,000 to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that the Secretary of Commerce transmits a determination that there is a commercial fishery failure.

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

And the Senate agree to the same.

HAROLD ROGERS,
JIM KOLBE,
RALPH REGULA,
MIKE FORBES,
TOM LATHAM,
BOB LIVINGSTON
ALAN B. MOLLOHAN,
DAVID E. SKAGGS
(except for sections 209, 210, 502, and 505),
JULIAN C. DIXON

Managers on the Part of the House.

JUDD GREGG,
TED STEVENS,
PETE DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
BEN NIGHTHORSE CAMPBELL,
THAD COCHRAN,
FRITZ HOLLINGS,
DANIEL INOUYE,
DALE BUMPERS,
FRANK LAUTENBERG,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report. The legislative intent in the House and Senate versions in H.R. 2267 is set forth in the accompanying House report (H. Rept. 105–207) and the accompanying Senate report (S. Rept. 105–48).

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

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $76,199,000 for General Administration, as proposed in the House bill, instead of $79,373,000 as proposed in the Senate bill. Funding is provided in accordance with the House and Senate reports with the following exceptions for program increases. The conference agreement assumes $3,600,000 for continued support for counterterrorism security initiatives provided in fiscal year 1997, $426,000 for additional staffing for the Office of Professional Responsibility, and $1,100,000 for adjustments to base. The conferees also support the transfer of $5,000,000 from the INS Examinations Fee account to the General Administration account for Justice Management Division oversight of the naturalization program, as provided in the House report. In addition, the conferees support recommendations in the House and Senate reports regarding development of a drug strategy, restructuring of the INS and review of capital case prosecutions.

The conference agreement also includes a provision as proposed in the House bill, that prohibits the Offices of Legislative and Public Affairs from being supplemented by reimbursable and non-reimbursable details.

Format for Budget Submissions and Reprogrammings.—The Senate report included a number of concerns with the presentation of budget submissions and the number of reprogramming requests for the Department of Justice. The conferees agree that instead of adopting the recommendations in the Senate report for changes to these submissions, the Department of Justice should consult with the Committees on Appropriations of both the House and Senate on options to consolidate budget submissions for Department of Justice programs funded through various funding sources and to streamline its reprogramming submissions.

COUNTERTERRORISM FUND

The conference agreement includes $52,700,000 for the Counterterrorism Fund, instead of $20,000,000 as proposed in the House bill and $29,450,000 as proposed in the Senate bill. The conferees understand that in addition to amounts provided in this bill, unobligated balances of $28,169,000 remain available from previous appropriations for authorized purposes of this Fund.

Within the amounts provided in the conference agreement, $32,700,000 is included for a new Department of Justice counterterrorism initiative to address the increasing threat of domestic and international terrorism. The conferees remain committed to ensuring that law enforcement and the intelligence community have a comprehensive strategy to combat domestic and international terrorism, and that anti-terrorism, counterterrorism, and security efforts are aggressively pursued and given the highest priority.

Last year, Congress directed the Attorney General to consult with other key departments and agencies and to submit a comprehensive counterterrorism strategy. That strategy was provided to the Congress in May, 1997. During subsequent oversight hearings conducted by both the House and Senate

Appropriations Committees, it became apparent that vulnerabilities to our national security still exist, especially with respect to the emerging threats from chemical and biological agents and cyber-attacks on computer systems within the United States. The conferees agree that additional emphasis is needed to coordinate efforts among the many participating departments and agencies that have personnel, resources, and expertise to contribute to this critical mission and to move efforts forward in a multilateral and institutionalized manner.

Counterterrorism Technology Research and Development.—Of the amount provided, $1,000,000 is included for the Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, and drawing upon expertise of academia, the private sector and State and local law enforcement, to develop a five-year inter-departmental counterterrorism and technology crime plan that is representative of all participating agencies that: (1) identifies critical technologies for targeted research and development efforts; (2) outlines strategies for preventing, deterring and reducing vulnerabilities to terrorism and improving law enforcement agency capabilities to respond to terrorist acts while ensuring interagency cooperation; (3) outlines strategies for integrating crisis and consequence management; (4) outlines strategies to protect our National Information Infrastructure and explore critical technologies through research and development; and (5) outlines strategies to improve State and local capabilities for responding to terrorist acts involving bombs, improvised explosive devices, chemical and biological agents and cyber-attacks. The conferees expect that this plan will serve as a baseline strategy for coordination of national policy and operational capabilities to combat terrorism and will be updated annually to institutionalize this effort. A prospectus shall be submitted in an expanded outline format with estimated time lines and major milestones for completion of the unified counterterrorism and technology crime plan, to the Committee on Appropriations of both the House and Senate no later than February 1, 1998. The final plan shall be submitted to appropriate congressional committees no later than December 31, 1998.

In addition, $10,500,000 is provided for the Attorney General to conduct a directed priority research and development program in engineering, communications, forensic sciences and tactical disciplines, and including an emphasis on fieldable technology development and deployment, through appropriate Federal agencies, universities, national laboratories and the private sector. Within these amounts, the Attorney General is to provide $2,000,000 for the Security Technology Program of the Southwest Surety Institute, administered by New Mexico State University, the New Mexico Institute of Mining and Technology, and Arizona State University, to conduct research and training on law enforcement and security technologies for the protection of persons, facilities, and information and for limiting the threat of terrorist activities. In addition, the conferees note the importance and usefulness of the development of explosives detection technology in assisting law enforcement personnel in the detection of explosive materials before a bombing incident. Within the amount provided, the conferees expect the Federal Bureau of Investigation to pursue research and development of explosives detection technology.

Improving State and Local Response Capabilities.—The conference agreement includes $21,200,000 to ensure that State and local agencies have basic equipment and training for responding to chemical or biological incidents and incidents involving improvised explosive devices. Within this amount, $16,000,000 is provided for acquisition of personnel protective gear, and detection, decontamination, and communications equipment for State and local agencies and for response training. The conferees direct the Attorney General to provide $2,000,000 to support operations of the State and local training center for First Responders at Fort McClellan, Alabama, $2,000,000 for the operations of a similar training center in conjunction with the Energetic Materials Research and Testing Center at the New Mexico Institute of Mining and Technology, and also urge the use of existing national assets including the National Emergency Response and Rescue Training Center at the Texas Engineering Extension Service and the Nevada Test Site, to serve as national training centers to prepare relevant Federal, State and local officials, including law enforcement, firefighters, emergency medical personnel, and other key agencies such as public works and emergency management agencies, to prepare for and respond to chemical, biological, or other terrorist acts.

Within the overall amount provided, $5,200,000 is included for bomb technician training at the Hazardous Devices School at Redstone Arsenal, Alabama to improve capabilities of State and local agencies to respond to incidents involving improvised explosive devices.

The conferees direct the Attorney General to develop a plan for directing and coordinating training and exercise activities and expect this plan to be prepared with consultation of other appropriate agencies to ensure the curriculum and training provided are consistent with overall national counterterrorism preparedness programs and goals.

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes $129,258,000 for Administrative Review and Appeals instead of $125,700,000 as proposed in the House bill and $79,258,000 as proposed in the Senate bill, of which $59,251,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF). Of the total amount provided, $1,557,000 is included for the Office of the Pardon Attorney and $127,701,000 is included for the Executive Office for Immigration Review (EOIR). Within amounts provided for EOIR, $6,480,000 is included to support 18 additional immigration judges for border control, removal of criminal and noncriminal aliens, and interior deterrence initiatives, $3,525,000 is for ten additional immigration judges to address additional caseload related to deportation provisions in the Anti-Terrorism and Effective Death Penalty Act of 1996, and $140,000 is for electronic freedom of information requirements and systems modernization.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $33,211,000 for the Office of Inspector General, as proposed in Senate bill, instead of $35,211,000 as proposed in the House bill. In addition, the conference agreement includes a provision, as proposed in the House bill, that allows the Attorney General to transfer up to one-tenth of one percent of grant funds provided under the Violent Crime Reduction Trust Fund (VCRTF) to the Office of the Inspector General for audit and review of these grant programs.

The conference agreement also assumes that in addition to amounts provided from direct appropriations, $3,695,000 will be provided to the Office of Inspector General from the INS Examinations Fee account for the investigation and review of the INS Citizenship U.S.A. program.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $5,009,000 for the U.S. Parole Commission, as proposed in the Senate bill, instead of $4,799,000 as proposed in the House bill. Funding is provided in accordance with the Senate report.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $452,169,000 for General Legal Activities, instead of $453,269,000 as proposed in the House bill and $445,147,000 as proposed in the Senate bill, of which $7,969,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate bills.

Funding is provided in accordance with the House and Senate reports with the following exceptions for program increases. The amount provided in the conference agreement provides pay and inflation increases for all divisions and the following program increases: (1) $1,077,000 for the Criminal Division to support the Southwest Border initiative, Federal capital case prosecutions, international extradition and overseas positions in Brasilia; (2) $462,000 for Tax Division prosecutions; (3) $5,483,000 for the Civil Division's defense of claims under the Financial Institution Reform, Recovery and Enforcement Act. In addition, the conferees expect that within the amounts provided for the Criminal Division, $300,000 will be used to enhance support for the Office of Special Investigations activities involving Nazi war criminals and that the Criminal Division will work with its counterparts in the Department of State to increase the effectiveness of bi-lateral prisoner transfer treaties, as stated in the House report.

The conference agreement allows $17,525,000 to remain available until expended for office automation systems as proposed in the House bill instead of $24,555,000 as proposed in the Senate bill. In addition, the conferees direct the Attorney General to use $7,100,000 of surplus balances in the Assets Forfeiture Fund to support implementation of the Justice Consolidated Office Network.

The conference agreement does not include a provision, as proposed in the Senate bill, that would limit the level of staffing and resources for the Offices of Legislative and Public Affairs.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $4,028,000 for fiscal year 1998 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed in both the House and Senate bills.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides $93,495,000 for the Antitrust Division, instead of $94,542,000 as proposed in the House bill and $92,447,000 as proposed in the Senate bill. The conference agreement assumes that of the amount provided, $70,000,000 will be derived from fees collected in fiscal year 1998 and $18,000,000 will be derived from estimated unobligated fee collections available from 1997, resulting in a net direct appropriation of $5,495,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $1,035,288,000 for the U.S. Attorneys, instead of $1,035,828,000 as proposed in the House bill and $1,032,532,000 as proposed in the Senate bill, of which $62,828,000 is provided from the Violent Crime Reduction Trust Fund

(VCRTF) as proposed in the House bill instead of $46,128,000 as proposed in the Senate bill.

Funding is provided in accordance with the House and Senate reports with the following exceptions for program increases. The amount provided in the conference agreement provides the following program increases: (1) $3,897,000 for the U.S. Attorneys support of the Southwest Border initiative; (2) $9,786,000 for increased drug prosecutions, including additional funding to support U.S. Attorney-led drug task force projects and support for High Intensity Drug Trafficking Area task forces; (3) $2,000,000 to support the continuation and expansion of Violent Crime Task Forces in New Hampshire and South Carolina into demonstration projects focused on specific law enforcement problems such as the impact of spillover violence coming from high crime urban areas into much smaller neighboring jurisdictions or the identification, investigation, and prosecution of violent, repeat offenders operating either alone, as part of a gang, or as part of a drug enterprise; (4) $6,237,000 for activation of the National Advocacy Center; (5) $632,000 for child support enforcement; and (6) $7,785,000 for critical staffing needs for D.C. Superior Court, including $3,349,000 for support staff and $4,416,000 for attorney and support staff for increased prosecutions, unsolved homicides, gang prosecutions and Operation Ceasefire. In addition, the conference agreement provides reimbursable funding for the U.S. Attorneys of $853,000 from Violence Against Women Act grants for domestic violence prosecutions in the District of Columbia and $6,596,000 from the Office of Victims of Crime to support 93 additional staff assigned to U.S. Attorneys Offices for victims assistance. In addition, within the amounts provided, the conferees agree that an additional $100,000 should be used to support the U.S. Attorneys Office in Guam for use in the Commonwealth of the Northern Mariana Islands.

The conferees agree that additional resources are needed to address the high volume of cases in the District of Columbia and have provided 33 attorneys to support this caseload. The conferees are also aware that the U.S. Attorneys Office is proposing to restructure its entire D.C. Superior Court section under a community prosecution model based on a pilot project in the Fifth District. While it is understood that the Fifth District pilot project has shown evidence of some success, the conferees believe that before an entire restructuring is implemented, a full evaluation of this approach, including an analysis of cost effectiveness of this model, should be completed. The conferees understand that the National Institute of Justice is currently documenting strategies that have emerged in the Fifth District pilot project and possible ways to measure the success of this project and is expected to complete this work by May 1998. In addition, the conferees expect an evaluation of the Fifth District pilot project to include an analysis of the ''papering'' process, which identifies how many arrested suspects were not charged due to: (1) violation of suspects' Constitutional rights; (2) unwillingness of victims to cooperate with law enforcement; (3) recantation by, or challenge of the veracity of, witnesses or victims; (4) lack of probable cause for arrests; (5) subsequent determination that alleged crimes were perpetrated by others or did not occur; (6) lack of evidence; and (7) offenses falling under the jurisdiction of the Office of the Corporation Counsel. For the remaining cases where papering did not occur, the D.C. U.S. Attorneys Office shall identify the reasons it failed to file charges and outline any steps necessary to correct deficiencies in its handling of the papering process. The conferees also expect the U.S. Attorneys and other Department of Justice components to redirect base resources previously provided for financial institution fraud, in accordance with the notification provided to the Committees on August 1, 1997, to increase its prosecutive and investigative efforts for fraud, white collar crime and defensive civil litigation.

The conference agreement also includes the following provisions: (1) allows $1,200,000 to remain available until expended for development of an information systems strategy for D.C. Superior Court, as proposed in the House bill; (2) allows $2,500,000 to remain available until expended for the National Advocacy Center, as proposed in the Senate bill; (3) allows $2,000,000 for Violent Crime Task Forces to remain available until expended, similar to a proposal in the Senate bill; (4) allows $6,000,000 to remain available until expended for office moves, as proposed in the House bill; and (5) provides the total number of positions and full-time equivalent employment expected to be supported by the level of resources provided, as proposed in both the House and Senate bills.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides $114,248,000 in budget (obligation) authority for the U.S. Trustees, to be entirely funded from offsetting fee collections, instead of $107,950,000 as proposed in the House bill and $116,721,000 as proposed in the Senate bill. The amount provided in the conference agreement includes increases for the following activities: (1) $4,952,000 to address increases in bankruptcy filings; (2) $2,000,000 to expand the automated fee application review project; (3) $608,000 to improve security; (4) $200,000 for electronic interface development with private trustees; (5) $104,000 for improved criminal database access; and (6) $257,000 for electronic freedom of information requirements.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides $1,226,000 for the Foreign Claims Settlement Commission as proposed in both the House and Senate bills, and assumes funding is provided in accordance with the House and Senate reports.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes $493,386,000 for the U.S. Marshals Service instead of $488,497,000 as provided in the House bill and $497,339,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $25,553,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate bills.

The amount included in the conference agreement is provided in accordance with the House and Senate reports and includes program increases as follows: (1) $8,695,000 for staffing and equipment for new and expanded courthouses; (2) $658,000 for witness security; and (3) $5,145,000 for fugitive apprehensions. In addition, the conferees direct the Attorney General to provide a total of $2,134,000 from remaining 1997 balances in the Working Capital Fund and remaining surplus balances in the Assets Forfeiture Fund, for replacement of radios. The conferees also adopt the recommendations in the Senate report regarding funding for the Justice Prisoner and Alien Transportation System review and video conferencing.

The conference agreement does not include a provision, as proposed in the Senate bill, that limits the level of staffing and resources in the Offices of Legislative and Public Affairs.

The conferees are aware that the Department of Justice's asset forfeiture inventory which is managed by the U.S. Marshals Service, currently includes a forfeited DC–3 aircraft which the Department of State International Narcotics and Law Enforcement Affairs Section has requested be transferred for international counter-narcotic purposes. The conferees expect the Department of Justice to give this transfer request priority consideration and to notify the Committees on Appropriations of the House and Senate of its intentions before any further action is taken by the U.S. Marshals Service with regard to disposal of this aircraft.

The conferees are also concerned about the U.S. Marshals Service oversight of Court Security Officers in the Fourth Circuit. The conferees direct the Department of Labor to make a complete review of wage determinations for Court Security Officers in the Fourth Circuit, giving specific consideration to comparable wages and benefits paid to Federal employees and Federal contract employees in the area. In addition, the conferees direct the U.S. Marshals Service, before the exercise of any options, to recompete the Court Security contract for the Fourth Circuit giving significant consideration to wages paid to employees and their potential impact on labor dissension.

FEDERAL PRISONER DETENTION

The conference agreement provides $405,262,000 for Federal Prisoner Detention, as proposed in both the House and Senate bills and assumes funding is provided in accordance with the House and Senate reports.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $75,000,000 for Fees and Expenses of Witnesses as proposed in both the House and Senate bills and assumes funding is provided in accordance with the House and Senate reports.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement provides $5,319,000 for the Community Relations Service, as proposed in both the House and Senate bills and in accordance with both the House and Senate reports. In addition, the conference agreement includes a provision, as proposed in the House bill, which allows the Attorney General to transfer up to $2,000,000 of funds available to the Department of Justice to this program. The conferees direct the Attorney General to report to the Committees on Appropriations of the House and Senate if this transfer authority is exercised.

ASSETS FORFEITURE FUND

The conference agreement provides $23,000,000 for the Assets Forfeiture Fund as proposed in both the House and Senate bills, and assumes funding is provided in accordance with both the House and Senate reports.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

The conference agreement includes $2,000,000 for administrative expenses in accordance with the Radiation Exposure Compensation Act, as proposed by both the House and Senate bills. The conference agreement does not include an advance appropriation of $2,000,000 for fiscal year 1999 for this account, as proposed in the House bill.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

The conference agreement includes $4,381,000 for fiscal year 1998 for payments to the Radiation Exposure Compensation Trust Fund, as proposed by both the House and Senate bills and assumes that funding is provided in accordance with the House and Senate reports. The conference agreement does

not include an advance appropriation of $29,000,000 for fiscal year 1999 for this program, as proposed in the House bill.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes $294,967,000 for Interagency Crime and Drug Enforcement as proposed by both the House and Senate bills and assumes funding is provided in accordance with the House and Senate reports with the following exception. The conference agreement includes language which allows $50,000,000 of the funds to be available until expended as proposed in the House bill instead of allowing all funding to be available until expended as proposed in the Senate bill.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes $2,930,042,000 for the Federal Bureau of Investigation (FBI), instead of $2,886,065,000 as proposed in the House bill and $3,016,389,000 as proposed in the Senate bill, of which $179,121,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate bills. In addition, the conference agreement provides that not less than $221,050,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security, instead of $147,081,000 as proposed by the House and $257,601,000 as proposed by the Senate bill. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

Counterterrorism Initiative.—The conference agreement includes a significant increase for the FBI to enhance its counterterrorism readiness capabilities for responding to and managing incidents involving improvised explosive devices, chemical and biological agents, and cyber-attacks. The conference agreement does not include a classified annex for counterterrorism, as proposed in the Senate bill, and instead provides additional funding for counterterrorism activities under this account and the Counterterrorism Fund. The conference agreement provides a $143,451,000 increase for counterterrorism activities of the FBI including: (1) $77,586,000 to annualize 1,019 positions included in fiscal year 1997 and to provide 245 new positions (including 133 agents) for counterterrorism activities; (2) $11,845,000 and 56 positions (including 34 agents) to establish Computer Investigative and Infrastructure Threat Assessment (CITAC) Teams and for technical equipment and contractor support for the CITAC Center; (3) $900,000 for training and equipment for Computer Analysis Response Teams; (4) $3,500,000 to equip the Hostage Rescue Team and field office teams with equipment and training for responding to a crisis situation involving weapons of mass destruction; (5) $2,500,000 for operational expenses of the National Security Division's Weapons of Mass Destruction program; (6) $2,000,000 for safety equipment and training of Evidence Response Teams and to outfit the Hazardous Materials Response Unit with equipment, scientific instruments and related forensic materials; (7) $1,600,000 for bomb technician equipment in field offices; and (8) $43,520,000 to upgrade the capabilities of the FBI for timely deployment of personnel and equipment to terrorist and hostage incidents through replacement of aircraft. Within this funding, $10,000,000 is provided to replace an existing specialized surveillance aircraft used to support counterterrorism, national security, and criminal investigations, $23,200,000 is provided to replace outdated 1960's vintage helicopters used for tactical support, $5,000,000 is provided to improve aviation surveillance capabilities for the New York City field office, $2,000,000 is provided for necessary equipment and related items required for rapid deployment of the Hostage Rescue Team (HRT) and Special Weapons and Tactics (SWAT) personnel, $1,500,000 is provided for helicopter pilot training, $320,000 is provided for advance aircraft leasing, and $1,500,000 is provided for increasing costs associated with the availability of aircraft and training mission support provided by the Department of Defense.

In addition, the conferees agree that the FBI may, within available 1998 funding, implement the additional authorizations agreed to by the House and Senate Committees on Intelligence with respect to 1998 National Foreign Intelligence Program activities.

Child Sexual Exploitation on the Internet.—The conference agreement adopts the recommendation in the Senate report, to expand the FBI's efforts to combat child pornography and sexual exploitation on the Internet and via on-line service providers. The conference agreement includes $10,000,000 and 60 new positions (including 25 agents) in accordance with the Senate report for this initiative.

Southwest Border Initiative and Drug Investigations in Mexico.—The conference agreement provides $16,717,000 and 138 positions (including 70 agents) to support the Southwest Border initiative and $2,546,000 and 6 agents for FBI participation on DEA Task Forces in Mexico.

International Program.—The conference agreement provides $7,294,000 to expand FBI's Legal Attaché program. The conferees are aware of the FBI's selection process for locations to station its Legal Attachés abroad and that the FBI has recently initiated a planning process to address its international operations that will, among other things, assess the requirements for and the placement of all Legal Attaché offices. It is conceivable that some existing and proposed locations may be supplanted during the process by emerging locations with higher indicated priorities. The conferees commend the FBI for initiating this process and agree that prior to further expansion of international operations, the FBI should complete this comprehensive planning process which goes well beyond what it has previously attempted. This planning process should lead to a threat-based, outcome-oriented operations and activity plan that will allow the FBI to demonstrate it is allocating its personnel in a manner that optimizes both effectiveness and impact. The conferees direct that such a plan, in each instance: (a) identify specific criminal activity in the United States which has a visible nexus to the foreign country, (b) analyze the extent and significance or impact of this criminal activity in the United States, and (c) specify exactly how placing FBI personnel in the foreign country will have a significant impact on defeating or reducing the criminal activity. Thereafter, the plan should articulate and specify a decision making process that insures resources are committed to only the highest threat areas where there is a reasonable expectation of successful outcomes. Factors such as the status of relations with a particular nation must be considered. Finally, a regular procedure must be identified and implemented to measure the effectiveness and need for each office, with a view toward reallocating resources when warranted.

Within the amount provided the conferees have included $1,912,218 for the specific purpose of enhancing existing Legal Attaché Offices in the high international crime threat nexus countries of Mexico and Russia and $1,203,450 for establishing an FBI presence in Nigeria. The remaining $4,178,332 provided in the conference report shall be available for the opening of new offices or expansion of existing offices, subject to the reprogramming requirements in section 605 of this Act and only when the FBI has completed the following activities to determine the most effective use of these resources: (1) completion of a planning process which addresses at a minimum the elements discussed above; (2) application of this process to a rigorous in-depth examination of the FBI's international operations including existing as well as anticipated Legal Attaché Offices and extraterritorial squad activities; and (3) development of a current, outcome-oriented operations and activity plan that identifies FBI overseas requirements based on demonstrated threat.

Organized Crime/La Cosa Nostra.—The conference agreement provides $5,000,000 and 47 positions (28 agents), as proposed in both the House and Senate bills, to enhance investigative resources addressing the La Cosa Nostra.

Infrastructure Requirements.—The conference agreement includes an increase of $21,394,000 for the following activities: (1) $8,000,000 to conduct security reinvestigations of FBI employees; (2) $2,000,000 to upgrade and strengthen the capabilities of the National Backstopping Centers; and (3) $11,394,000 for processing of Freedom of Information and Privacy Act (FOIA) requests. In addition, the conferees direct the Attorney General to provide from surplus balances in the Assets Forfeiture Fund, $9,059,000 for the FBI's acquisition of a FOIA document processing system and $6,000,000 to begin replacement of microwave radio communications equipment.

In addition to the items stated above, the conferees adopt the recommendations included in the House and Senate reports regarding IAFIS and NCIC 2000, hiring status reports, $2,000,000 for the Cargo Theft Task Force, consideration of the development of MDTV at the FBI fingerprint center, veterans investigations and training curricula of FBI and DEA at the training facility in Quantico, Virginia, and do not support consideration of the establishment of an additional training facility. The conferees are also aware that high-tech crime and the incidence of crime within the high-tech industry have become an increasing problem for United States technology companies and request that the FBI provide a report to the Committees on Appropriations of both the House and Senate by March 1, 1998, that outlines FBI's strategic plan to address this problem, including the current and projected number of staff and the geographic distribution of resources dedicated to this issue.

In addition to identical provisions that were included in both the House and Senate bills, the conference agreement includes the following provisions: (1) allows $98,400,000 to remain available until expended, as proposed in the House bill, of which the conferees expect that $84,400,000 will be used for expenses related to automation of fingerprint identification services; (2) allows up to $45,000 to be used for official reception and representation expenses as proposed in the House bill, instead of $60,000 as proposed in the Senate bill; and (3) prohibits funds from being used to provide for ballistics equipment to State and local entities that have received similar equipment from other Federal agencies, as proposed in the House bill. The conference agreement does not include a provision, included in the Senate bill, that would have limited the level of staffing and resources in the Offices of Legislative and Public Affairs.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

The conference agreement does not include additional funding for the Telecommunications Carrier Compliance Fund, for making payments to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services to implement technology changes under the Communications Assistance for Law Enforcement Act (CALEA), as proposed in the Senate bill. The House bill included $50,000,000 for this Fund for national security purposes. The conferees understand there is currently $101,000,000 available in the Fund which is sufficient to support reimbursement to the telecommunications industry during fiscal year 1998.

The conferees note with concern, the continued delays in implementation of the Communications Assistance for Law Enforcement Act (CALEA). CALEA was enacted over three years ago and there has been little, if any, progress in developing much needed upgrades for telecommunications systems to support law enforcement wiretapping requirements. Based on recent discussions between the Committees on Appropriations, the Department of Justice and representatives from the telecommunications industry, an agreement was reached in an attempt to move this process forward, which included a commitment by both the industry and law enforcement that by January 4, 1998, the Department of Justice will provide to the Committees on Appropriations: (1) cost estimates for the development and deployment of the solution; (2) a timeline for development and deployment of the solution; and (3) two signed cooperative agreements with appropriate telecommunications carriers and/or equipment manufacturers. The conferees agree that completion of these steps will indicate whether or not industry and law enforcement officials are committed to the implementation of CALEA and whether additional funding, within the amounts authorized for reimbursement to the telecommunications industry, will be provided in the future.

CONSTRUCTION

The conference agreement includes $44,506,000 in direct appropriations for construction for the Federal Bureau of Investigation (FBI), instead of $38,506,000 as proposed in the House bill and $59,006,000 as proposed in the Senate bill. Within the amount provided, the conference agreement assumes funding for completion of the FBI laboratory, $4,660,000 for renovation and realignment of the Los Angeles Field Office, $2,000,000 to lease a new aviation hangar facility, and $4,000,000 to address the backlog of repair and maintenance of FBI-owned facilities in accordance with the Senate report.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $1,127,378,000 for the salaries and expenses of the Drug Enforcement Administration (DEA), instead of $1,124,500,000 as proposed in the House bill and $1,080,382,000 as proposed in the Senate bill, of which $403,537,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $310,037,000 as proposed in the House bill and $441,117,000 as proposed in the Senate bill. In addition to amounts appropriated, the conference agreement assumes that $58,268,000 will be available from the Diversion Control Fund for diversion control activities and assumes funding is provided in accordance with the House and Senate reports. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

The conference agreement adopts the recommendation in the House report to significantly expand DEA's efforts to address drug trafficking throughout the Caribbean. The conference agreement includes $34,217,000 and 60 new agents in accordance with the House report for this initiative. In addition, the conference agreement includes the following program increases: (1) $29,741,000 to support counter-drug efforts along the Southwest border, in accordance with the House and Senate reports; (2) $11,046,000 and 54 agents targeted at methamphetamine production and trafficking, in accordance with the House report; (3) $10,000,000 and 120 positions for efforts to reduce heroin trafficking, in accordance with the Senate report; and (4) $39,534,000 to address crucial investigative and intelligence infrastructure requirements, including $19,425,000 for DEA's FIREBIRD data processing system and MERLIN intelligence system, $4,670,000 for ADP maintenance and equipment, $5,638,000 for 85 additional intelligence analysts, $1,000,000 for DEA support for new High Intensity Drug Trafficking Areas, $7,801,000 for relocation of agents, and $1,000,000 for aircraft replacement. In addition, the conference agreement does not include a provision, included in the Senate bill, that limits the level of staffing and resources in the Offices of Legislative and Public Affairs.

The conferees also adopt recommendations in the Senate report regarding the drug diversion control fee account and the DEA training facility in Quantico, Virginia. In addition, the conferees request that DEA provide to the Committees on Appropriations, any information that it has available regarding the impact in the Caribbean on increases in drug trafficking resulting from a recent decision of the World Trade Organization to discontinue the special relationship of Caribbean countries to the European Union.

CONSTRUCTION

The conference agreement includes $8,000,000 in direct appropriations for construction for the Drug Enforcement Administration (DEA), instead of $5,500,000 as proposed in the House bill and $10,500,000 as proposed in the Senate bill. Within the amount provided, the conference agreement assumes $5,500,000 will be used for reconstruction of five of DEA's regional laboratory facilities and $2,500,000 will be used to address the backlog of repair and maintenance of DEA-owned facilities, in accordance with the Senate report.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes $2,266,092,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), instead of $2,297,398,000 as proposed in the House bill and $2,150,097,000 as proposed in the Senate bill, of which $608,206,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $690,957,000 as proposed in the House bill and $719,898,000 as proposed in the Senate bill. In addition to amounts appropriated, the conference agreement assumes that $1,461,183,000 will be available from offsetting fee collections, instead of $1,215,191,000 as proposed by the House and $1,198,659,000 as proposed by the Senate bill. Thus, including resources provided under construction, the conference agreement provides a total operating level of $3,803,234,000 for INS, instead of $3,583,548,000 as proposed by the House, $3,422,315,000 as proposed by the Senate bill, and $3,652,175,000 as requested by the Administration. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

Border Control.—The conference agreement includes: (1) $125,322,000 for 1,000 new border patrol agents and 136 support personnel, instead of 500 new agents as requested by the Administration; (2) $42,500,000 for border patrol equipment and technology including forward-looking infrared scopes, airborne electro-optical survelliance systems, night vision scopes, radios, sensors, low light television systems, and of which $16,200,000 is provided for continued development and deployment of the ENFORCE and IDENT systems; and (3) $11,500,000 for land border automation systems. The conferees are aware that new border technologies exist which are alleged to be useful in improving the overall effectiveness of border control efforts and encourage the INS to examine the feasibility and cost effectiveness of using various types of aircraft, airborne surveillance platforms (both manned and unmanned), electro-optical and infrared sensor systems and geographic positioning and mobile command and control systems, for border patrol operations.

The conference agreement adopts recommendations included in the House and Senate reports for continued reports on Border Patrol hiring, training and enforcement strategy, and a pilot project for reimbursement for emergency ambulance services in Nogales, Arizona.

Interior Enforcement/Removal of Deportable Aliens.—The conference agreement includes the following increases to enhance INS' ability to deport illegal aliens: (1) $48,321,000 to provide 1,864 additional detention bedspaces at INS facilities in Buffalo, New York and Krome, Florida, a contract facility in San Diego, California and additional contracts with State and local agencies; (2) $12,073,000 to locate and remove deportable aliens; (3) $6,751,000 to expand the local jail program; and (4) $5,000,000 to expand the Law Enforcement Support Center (LESC). Because direct appropriations have been provided for the LESC, the conference agreement assumes that $3,800,000 of enforcement fines resources previously used to support the LESC will be used to support base border patrol technology requirements. However, within overall amounts available to INS, the conferees expect INS to expand LESC services to Utah.

The conference agreement also assumes that $104,471,000 of additional funding from the Breached Bond/Detention Account will support 1,136 additional detention bedspaces in fiscal year 1998, bringing the total funded level of detention bedspaces to 15,050, an increase of 3,000 detention beds over fiscal year 1997.

The conference agreement also adopts the recommendation in the House report regarding the need for a revised interior enforcement strategy which the INS is expected to submit to the Committees on Appropriations of both the House and Senate by April 1, 1998. In addition, the conferees agree with language included in the House and Senate reports regarding continued support for the local jail programs in Anaheim City and Ventura County, California, and the California Criminal Alien Identification and Intervention Program, escort of deported criminal aliens on commercial passenger aircraft, and implementation of a cross-deputization pilot project with a qualified State and local law enforcement agency. The conferees also expect INS to use funding provided for verification systems in accordance with the House report and also support the use of $3,948,000 of this funding to provide 69 positions for status verification.

In addition, the conferees agree to a modified plan, proposed by the State Department, for orphan adoptions in the Russian Far East. Consular officers in Vladivostok will

forward approved immigrant visa applications to Moscow by courier for final processing. Final processing and return of immigrant visas to Vladivostok will occur within the 10-day waiting period after final adoption hearings. The conferees commend INS for its cooperation in developing this plan.

Deployment of Resources.—The conferees expect the INS to continue its consultation with the Committees on Appropriations of both the House and Senate before deployment of new border patrol agents and additional staffing included in this conference agreement.

Naturalization.—The conference agreement provides over $163,000,000 to address naturalization caseload and to improve the integrity of the naturalization process. Within the amounts provided from direct appropriations, the following increases are included: (1) $16,830,000 for purchase and installation of fingerprint scanners; and (2) $3,391,000 for revocation of citizenship for criminals improperly naturalized. The conferees agree with the recommendation in the House report that requires INS to report on a quarterly basis on the status of the revocation proceedings and any actions that follow for deportation.

In addition, the conference agreement includes two provisions to address the INS fingerprinting process for applicant benefits. A provision is included, as proposed in the House bill, which requires INS to wait for the FBI to complete both a name and fingerprint criminal history check before completing the adjudication of an application for citizenship. The conference agreement also includes language, similar to language included in both the House and Senate bills, that prohibits INS from accepting fingerprint cards for applicant benefits from any individual or entity other than a State and local law enforcement agency or the Departments of State and Defense which are authorized to perform fingerprinting services for applicants applying for immigration benefits who are residing abroad. The conferees understand that INS is fully prepared to accept this fingerprinting responsibility and has entered into a contract to provide personnel to conduct fingerprinting services at INS locations. It is further understood that the contractor performing these services for the INS will lease space, hire contract personnel, and operate the INS fingerprint facilities but that INS personnel will be stationed at all times at each such facility to ensure quality control and to supervise the operation of the facility. In addition, the contractor will file with INS on a monthly basis a certification that all its employees performing any services related to or connected in any way with the preparation of FD-258 fingerprint cards have undergone government background checks and received FBI approved training.

The conferees also expect that State and local law enforcement agencies will be registered with the INS prior to providing fingerprint services to benefit applicants. To be considered registered with the INS, a law enforcement agency must (1) notify the INS of its intention to take fingerprints and (2) provide INS with a list of all employees that the law enforcement agency will use to take fingerprints.

The conference agreement also provides language that allows INS, the Departments of State and Defense and State and local law enforcement agencies to collect and retain a fee for fingerprinting services. Any fee established for this service by a Federal agency shall be established by regulation in order to reimburse agencies for expenses in providing fingerprint services, including administrative and support costs, and the collection, safeguarding and accounting for such fees. An interim regulation may be employed in the early stages of the program, to implement all aspects of the program, including setting of a fingerprint fee, while the normal studies to justify a fee regulation are being conducted.

INS Organization and Management.—The conference agreement provides $3,086,000 for processing of Freedom of Information and Privacy Act (FOIA) requests in accordance with electronic FOIA requirements. In addition, the conferees adopt recommendations included in the House report with regard to review of recommendations of the Commission on Immigration Reform on restructuring, reorganizing and managing the immigration responsibilities of the INS. The conference agreement also includes a provision, as proposed in the House bill, which authorizes and directs the Attorney General to impose disciplinary actions, including termination of employment, under the same policies and procedures applicable to employees of the FBI, for any INS employee who violates Department policies and procedures relative to granting citizenship or who willfully deceives the Congress or Department Leadership on any matter. Also included is a provision, similar to provisions proposed in both the House and Senate bills, that reduces by 10 percent, the level of staffing for the Offices of Legislative and Public Affairs. The conferees do not intend for this staffing reduction to be applied to the staffing dedicated to casework or to the legislative branch office that directly serves Congress. The conference agreement also adopts a provision, similar to one proposed in the House bill, that limits to four positions the number of INS non-career positions, but allows until July 1, 1998 before this provision goes into effect.

OFFSETTING FEE COLLECTIONS

The conference agreement assumes that $1,461,183,000 will be available from offsetting fee collections for INS, instead of $1,215,191,000 as proposed by the House and $1,198,659,000 as proposed by the Senate bill, 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 are applying for immigration benefits. The following increases are recommended:

Immigration Examinations Fees.—The conference agreement assumes $785,342,000 of spending from the Immigration Examinations Fee account, instead of $667,477,000 as proposed by the House bill and $646,916,000 as proposed by the Senate bill. The level provided in the conference agreement takes into consideration a reprogramming request submitted to the Committees on July 30, 1997 which included a request for $150,229,000 in additional spending from the Exams Fee account to address fingerprinting requirements and naturalization caseload.

The level of spending assumed in the conference agreement is based on estimated revenues in this account totaling $854,100,000 which includes carryover from fiscal year 1997, revenue projected for fiscal year 1998 and assumes the availability of fees from applications under section 245(i) of the Immigration and Nationality Act. The conference agreement does not include recommendations in both the House and Senate reports that would have transferred base funding from various programs funded under the Salaries and Expenses account to the Immigration Examinations Fee account. However, in order to provide the needed resources to address naturalization workload and restore integrity to the citizenship process, the conferees direct INS to examine and reallocate at least five percent of its base requirements in this account. The conference level for this account assumes this base realignment. The following program increases are assumed in the conference agreement: (1) $5,273,000 for naturalization ceremonies; (2) $67,000,000 for fingerprinting requirements, including personnel, space, and supplies; (3) $38,287,000 to convert 400 temporary positions to term appointments to process naturalization and adjustment of status applications; (4) $11,096,000 to improve records infrastructure; (5) $10,913,000 for quality assurance staff to oversee processing of naturalization applications and to provide for continued audit of procedures; (6) $33,169,000 to provide for uniform paper processing through implementation of the DIRECT MAIL system; (7) $14,081,000 for overtime, district office and service center contract support, to address naturalization backlogs and processing times; (8) $4,800,000 to support records contracts in district offices; (9) $5,210,000 to modify the CLAIMS system to support naturalization case processing; (10) $1,250,000 to enhance INS's Central Index System; (11) $3,125,000 to purchase and install additional card production machines for the Border Crossing Card Replacement program, including one machine which is to be located in southeastern Kentucky; and (12) $1,900,000 for expansion of the Texas Service Center to accommodate the transfer of files and Direct Mail processing of naturalization applications.

In addition, the conferees are aware that local INS offices continue to have significant backlogs in the processing of applications for benefits despite significant increases in staffing. The conferees request that INS conduct an analysis of its current allocation of resources among district offices to determine whether it is using an appropriate staffing model to address its application workload requirements and provide a report of its findings to the Committees on Appropriations of both the House and Senate no later than March 1, 1998.

Inspections User Fees.—The conference agreement assumes $426,622,000 of spending from the Inspections User Fee account instead of $419,296,000 as proposed in the House bill and $398,896,000 as proposed in the Senate bill. The conference agreement does not assume transfers of base funding from various programs funded under the Salaries and Expenses account to the Inspections User Fee account, as proposed in the Senate bill. In addition, the conferees understand that $10,000,000 of base funding for detention is no longer required in this account due to reduced detention costs resulting from expedited exclusion authority and is therefore available for other initiatives in this account. The conference agreement assumes this realignment of resources and includes the following increases: (1) $10,395,000 for pay and inflation base adjustments; (2) $10,500,000 to support the 1998 costs of reprogramming actions in fiscal year 1997; (3) $17,699,000 and 277 positions to improve facilitation at air and sea ports of entry, including full-time manning by inspectors of the three in-transit lounges at Miami International Airport; (4) $1,715,000 to staff three new air ports of entry, in accordance with the House and Senate reports; (5) $12,930,000 to expand departure management automation initiatives, in accordance with the House report; (6) $2,100,000 for expansion of the INS passenger accelerated service system to 10 new ports of entry; (7) $2,600,000 for deployment of the ENFORCE and IDENT systems at air ports of entry; and (8) $1,324,000 for automation initiatives at ports of entry.

Land Border Inspection Fee Account.—The conference agreement includes $8,888,000 in spending from the Land Border Inspection Fund, as proposed in both the House and

Senate bills, and assumes funding will support the following program increases: (1) $3,000,000 for a secure electronic network for travelers rapid inspection (SENTRI) dedicated commuter lanes, including equipment and facilities modifications in Laredo and Hidalgo, Texas and Nogales, Arizona; and (2) $700,000 for automated permit ports, including equipment and facilities modifications in Bridgewater and Limestone, Maine; Morses Line and Highgate Springs, Vermont; Mooers, New York, including an enrollment center; Sweetgrass, Montana; Nighthawk, Washington; and Skagway, Alaska.

Breached Bond/Detention Account.—The conference agreement includes $235,272,000 in spending from Breached Bond/Detention Fund, instead of $104,471,000 as proposed in the House bill and $138,900,000 as proposed in the Senate bill. The level of spending assumed in the conference agreement is based on estimated revenues in this account totaling $277,701,000, which includes carryover funds from fiscal year 1997, revenue projected for FY 1998 and assumes the availability of funds from penalty fees from applications under section 245(i) of the Immigration and Nationality Act. The conference agreement assumes $130,801,000 of expenses for alien detention costs provided under the salaries and expenses account will be supported by unobligated balances available in this account. Additional funding of $104,471,000 included in the conference agreement is available to support 1,136 additional detention bedspaces. The conferees also adopt the recommendation included in the Senate report with regard to collection of data and reporting on the 245(i) program.

CONSTRUCTION

The conference agreement includes $75,959,000 for construction for INS, instead of $70,959,000 as proposed in the House bill and $73,559,000 as proposed in the Senate bill. The conference agreement assumes funding is provided in accordance with both the House and Senate reports.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes $2,847,777,000 for the salaries and expenses of the Federal Prison System instead of $2,853,777,000 as proposed in the House bill and $2,939,035,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $26,135,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF), as proposed in the House bill, instead of $6,135,000 as proposed in the Senate bill. The conference agreement also assumes that in addition to amounts appropriated, $90,000,000 will be available from unobligated balances from the prior year, as proposed in the House bill.

Funding is provided in accordance with the House and Senate reports with the following exceptions related to program increases. The conference agreement includes: (1) $52,607,000 for adjustments to base and for activation of the following facilities: Beaumont, Texas minimum and high security facilities, Brooklyn, New York detention center, Forrest City, Arkansas low security facility, Yazoo City, Mississippi low security facility, Edgefield, South Carolina Federal Correctional Institution, Carswell, Texas low security facility, Morgantown, West Virginia expansion, Seattle, Washington detention facility, and Elkton, Ohio low and minimum security facilities; (2) $1,447,000 to expand BOP's intelligence gathering capabilities; and (3) $1,452,000 for requirements associated with the Electronic Freedom of Information Act.

BUILDINGS AND FACILITIES

The conference agreement includes $255,133,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners as proposed by the House, instead of $267,833,000 as proposed in the Senate bill. The conference agreement assumes funding is provided in accordance with the House report and expects that within the amount appropriated, an immediate advance reimbursement of not to exceed $2,300,000 shall be available for the renovation and construction of U.S. Marshals Service prisoner-holding facilities. In addition, the conferees urge the Bureau of Prisons to consider expansion in future budget requests of the existing Forrest City, Arkansas correctional complex and expect that no additional real estate will be acquired to support this expansion. The conferees further urge BOP to consider the expansion in future budget requests of other existing correctional complexes in the Mississippi Delta and the completion of a high security prison in the Northeast region.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of $3,266,000 for the Federal Prison Industries, instead of $3,490,000 as proposed in the House bill and $3,042,000 as proposed in the Senate bill, and assumes funding is provided in accordance with the House and Senate reports.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes $173,600,000 for Justice Assistance, instead of $162,500,000 as proposed in the House bill and $183,165,000 as proposed in the Senate bill. The conference agreement provides the following:

National Institute of Justice	$42,577,000
Defense/Law Enforcement Technology Transfer	(10,277,000)
Counterterrorism Technologies	12,000,000
National Sex Offender Registry	25,000,000
Grants to Firefighters and Emergency Service Personnel	5,000,000
State and Local Antiterrorism Training	2,000,000
Bureau of Justice Statistics	21,529,000
Missing Children	12,256,000
Regional Information Sharing System	20,000,000
National White Collar Crime Center	5,350,000
Management and Administration	27,888,000
Total	173,600,000

This statement of managers reflects the agreement of the conferees on how funds provided for all programs under the Office of Justice Programs (OJP) in this conference report are to be spent.

National Institute of Justice (NIJ).—The conference agreement provides $42,577,000 for the National Institute of Justice, as proposed in the House bill, instead of $50,099,000 as proposed in the Senate bill. The amount provided includes an additional $4,400,000, as proposed by both the House and the Senate for arrestee drug abuse monitoring, as well as a transfer of $4,700,000 from the General Administration account for the Federal Drug Testing Program. Expansion funds for the Federal Drug Testing Program have not been provided, and OJP is expected to submit a report by June 1, 1998 which evaluates the current pilot drug testing program in terms of accomplishments and details plans for expansion of this program. In addition, $7,000,000 for NIJ research and evaluation on the causes and impact of domestic violence is provided under the Violence Against Women Act grants program. The conference agreement adopts the recommendation in the House and Senate reports that provides that within the overall amount provided to NIJ, the Office of Justice Programs is expected to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: $500,000 for a study of the health care status of prison inmates; $4,500,000 for Facial Recognition Technology; and technologies stated in the House report. In addition to the above amount, $20,000,000 will be provided to NIJ in fiscal year 1998 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. Within the amount provided, the conferees expect NIJ to provide increased amounts for computerized identification systems and to continue support of collaborative projects to enhance law enforcement technology training.

In addition, in accordance with the House report for General Legal Activities, the conferees expect OJP to look into the feasibility of collecting information on the prevalence of outstanding and unresolved claims made against police departments by private citizens, as well as the process by which those claims are disposed.

Defense/Law Enforcement Technology Transfer.—Within the total amount provided to NIJ, the conference agreement includes $10,277,000 to assist NIJ in its efforts to adopt technologies for law enforcement purposes. Within this amount, $5,000,000 is provided for continuation of the law enforcement technology center network, $2,800,000 is provided to continue the technology commercialization initiative at the National Technology Transfer Center, and $1,048,000 is provided to continue the Arson and Explosion Research Program at the University of Central Florida. In addition, to ensure adequate oversight, $1,429,000 is included for management by NIJ personnel.

Counterterrorism Technologies.—The conference agreement provides $12,000,000 for counterterrorism technology programs authorized under sections 820 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, instead of $10,000,000 as proposed in the House bill and $14,000,000 as proposed in the Senate bill. Within the amount provided, OJP is expected to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding technologies recommended in the House report.

National Sex Offender Registry.—The conference agreement provides $25,000,000 for the National Sex Offender Registry, as proposed in both the House and Senate bills.

Grants to Firefighters and Emergency Service Personnel.—The conference agreement provides $5,000,000 for local firefighter and emergency service training grants as authorized under section 819 of the Antiterrorism and Effective Death Penalty Act of 1996 as proposed in both the House and Senate bills.

State and Local Antiterrorism Training.—The conference agreement provides $2,000,000 for State and local law enforcement training to address antiterrorism preparedness as proposed in the House bill, instead of $4,000,000 as proposed in the Senate bill and assumes funding in accordance with the House report.

Bureau of Justice Statistics.—The conference agreement provides $21,529,000 for the Bureau of Justice Statistics (BJS) for fiscal year 1998, as proposed in both the House and Senate bills.

Missing Children.—The conference agreement provides $12,256,000 for the Missing Children Program, instead of $8,656,000 as proposed in the House bill and $13,156,000 as proposed in the Senate bill. The conference agreement provides a significant increase for Federal, State, and local law enforcement agencies, and the National Center for Missing and Exploited Children, to address the increasing need to combat crimes against children, particularly kidnapping and sexual exploitation. The conference agreement consolidates funding under one account for Missing Children programs as proposed in the House bill, instead of under various accounts as proposed in the Senate bill. Within the amounts provided the conferees have included:

(1) $4,171,000 for the Missing Children program within the Office of Justice Programs, Justice Assistance, including $2,400,000 for State and local law enforcement to form specialized cyber units to investigate and prevent child sexual exploitation which are based on the protocols for conducting investigations involving the Internet and on-line service providers that have been established by the Department of Justice and the National Center for Missing and Exploited Children;

(2) $6,900,000 for the National Center for Missing and Exploited Children, of which $1,900,000 is provided for Internet investigations as proposed in the Senate report. The conferees expect the National Center for Missing and Exploited Children to continue to consult with participating law enforcement agencies to ensure the curriculum, training, and programs provided with this additional funding are consistent with the protocols for conducting investigations involving the Internet and on-line service providers that have been established by the Department of Justice; and

(3) $1,185,000 for the Jimmy Ryce Law Enforcement Training Center for training of State and local law enforcement officials investigating missing and exploited children cases.

Regional Information Sharing System (RISS).—The conference agreement includes $20,000,000 for the RISS program, instead of $14,500,000 as proposed in the House bill and $25,000,000 as proposed in the Senate bill. In addition, the conference agreement provides $5,000,000 under the COPs Technology Program for a one-time enhancement to the RISS program to upgrade its communications infrastructure. The increase provided will facilitate the rapid exchange of information pertaining to criminals and criminal activity. The conferees are concerned that there may be duplication among the many intelligence systems being utilized by Federal, State and local law enforcement agencies. Within this amount, $500,000 is provided for development of an inventory of Department of Justice funded automated law enforcement information systems, as proposed in the House report under General Administration. In accordance with the House report, the inventory should include the major 25 to 40 systems nationwide, should examine their interoperability and interconnectivity, and should result in a strategy that brings together these different systems to enable them to communicate effectively and efficiently, while guarding against duplication or overlap.

National White Collar Crime Center.—The conference agreement includes $5,350,000 for the National White Collar Crime Center as proposed in the House bill instead of $3,850,000 as provided in the Senate bill and assumes funding in accordance with the House report.

Management and Administration.—The conference agreement provides $27,888,000 for Management and Administration expenses of the Office of Justice Programs as proposed in the House bill, instead of $30,145,000 as proposed in the Senate bill. In addition, reimbursable funding from VCRTF 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 assumed in the conference agreement is as follows:

	Amount	FTE
Direct Appropriation	$27,888,000	320
Transfer from Juvenile Justice programs	5,922,000	71
Reimbursement from VCRTF	39,448,000	346
Reimbursement from COPs	2,500,000	23
Total	75,758,000	760

Since 1995, funding for grant programs administered by the Office of Justice Programs will have grown by 213%, from $1.1 billion to over $3.4 billion. In order to ensure careful stewardship of these resources, and in accordance with the House report, the conferees expect the Assistant Attorney General for the Office of Justice Programs (OJP) to submit a report which outlines the steps OJP has taken and which recommends additional actions that will ensure coordination and reduce the possibility of duplication and overlap among the various OJP divisions.

Ounce of Prevention Council.—The conference agreement includes language for costs associated with the termination of the Ounce of Prevention Council, which the conferees understand will soon cease operation. The conferees expect OJP to assume responsibility for any remaining activities of this Council.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes $2,891,400,000 for State and Local Law Enforcement Assistance, instead of $2,975,150,000 as proposed in the House bill and $2,606,150,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $2,382,400,000 shall be derived from the Violent Crime Reduction Trust Fund (VCRTF), instead of $2,437,150,000 as proposed in the House bill and $2,154,650,000 as proposed in the Senate bill.

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

Direct Appropriation:	
Byrne Discretionary Grants	$46,500,000
Byrne Formula Grants	462,500,000
Total Direct Appropriations	509,000,000
Violent Crime Reduction Trust Fund:	
Byrne Formula Grants	42,500,000
Local Law Enforcement Block Grant	523,000,000
Boys and Girls Clubs	(20,000,000)
Juvenile Accountability Incentive Block Grant	250,000,000
Drug Courts	30,000,000
Upgrade Criminal History Records (Brady Bill)	45,000,000
State Prison Grants	720,500,000
Cooperative Agreement Program	(25,000,000)
Indian Country	(5,000,000)
Alien Incarceration	(165,000,000)
State Criminal Alien Assistance Program	420,000,000
Violence Against Women Act Programs	270,750,000
Substance Abuse Treatment for State Prisoners	63,000,000
DNA Identification State Grants	12,500,000
Law Enforcement Family Support Programs	1,000,000
Senior Citizens Against Marketing Scams	2,500,000
Motor Vehicle Theft Prevention	750,000
Safe Return Program	900,000
Total, Violent Crime Reduction Trust Fund	2,382,400,000

Edward Byrne Grants to States.—The conference agreement provides $551,500,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which $46,500,000 is for discretionary grants and $505,000,000 is provided for formula grants under this program.

Byrne Discretionary Grants.—The conference agreement provides $46,500,000 for discretionary grants under Chapter A of the Edward Byrne Memorial State and Local Assistance Program, as proposed in the House bill, instead of $75,000,000 as proposed in the Senate bill. The recommendation assumes direct funding for the Weed and Seed program as proposed in the House bill, instead of continuing this program as an earmark from Byrne discretionary grants, as proposed in the Senate bill. Within the amount provided, the conferees expect the Bureau of Justice Assistance (BJA) to review the following proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions:

$4,000,000 for the National Crime Prevention Council;

$1,750,000 to continue and expand the Drug Abuse Resistance Education (DARE America) program. In accordance with both the House and Senate reports, the conferees expect OJP to work with DARE America officials to create new and more effective course criteria aimed at reducing the use of drugs by children;

$2,000,000 for continued funding for the Washington Metropolitan Area Drug Enforcement Task Force and for development of a regional gang tracking system;

$775,000 for Project Return and consideration of additional funds for evaluation of this correctional options program;

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

$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;

$2,800,000 for the National Motor Vehicle Title Information System, authorized by the Anti-Car Theft Improvement Act;

$500,000 for continuation of the Santee-Lynches Regional Council of Governments Local Law Enforcement Program;

$500,000 for the Alaska Native Justice Center;

$1,000,000 for the National Neighborhood Crime and Drug Abuse Prevention Program;

$2,000,000 to allow the Law Enforcement Coordinating Council for the 2002 Olympics to develop and support a public safety master plan for the games. The conferees direct the Office of Justice Programs to ensure that the Law Enforcement Coordinating Council consults with participating local, state, and federal law enforcement agencies to ensure the public safety master plan is coordinated among the many participating agencies that have personnel and resources to contribute to this plan;

$2,097,000 for the Executive Office of United States Attorneys to support the National

District Attorneys Association's participation in legal education training at the National Advocacy Center; and

$5,000,000 for a demonstration and evaluation of the Expanded Community Supervision program which combines community-based intermediate sanctions with alcohol and other drug abuse treatment, as an alternative to the traditional incarceration of non-violent felons.

Within the available resources for Byrne discretionary grants, the conferees also urge BJA to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: demonstration and evaluation of the programs of Haymarket House; Chicago's Family Violence Intervention Program; the Female Violent Offender Program; the National Night Out Program; and the community security program of the Local Initiatives Support Corporation.

Byrne Formula Grants.—The conference agreement provides $505,000,000 for the Byrne Formula Grant program, as proposed in both the House and Senate bills, of which $42,500,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) instead of $13,500,000 as proposed in the House bill and $128,500,000 as proposed in the Senate bill. The conference agreement includes language, as proposed in the House bill, which makes drug testing programs an allowable use of grants provided to States under this program.

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

Local Law Enforcement Block Grant.—The conference agreement includes $523,000,000 for the Local Law Enforcement Block Grant program, as proposed in the House bill, instead of $503,000,000 as proposed in the Senate bill, in order to continue the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities with their own solutions. Within the amount provided, the conference agreement includes language providing $20,000,000 of these funds to the Boys and Girls Clubs of America. The conferees direct the Office of Justice Programs to work with the Boys and Girls Clubs of America and the Boys and Girls Clubs of Greater Washington to develop a proposal for establishment of a Flagship Boys and Girls Club to be located in Washington, DC and to submit a report to the Committees on Appropriations of the House and the Senate by April 1, 1998. In addition, the conference agreement includes language as proposed in the House bill that defines the Commonwealth of Puerto Rico as a unit of local government and includes language similar to that proposed in the Senate bill, which designates parish sheriffs as the recipient of block grant funds in Louisiana. The conferees are aware of the unique law enforcement system that exists in the State of Louisiana whereby the constitution of the State of Louisiana establishes independent and wholly autonomous parish sheriffs and names the sheriff as the chief law enforcement officer of the constitutionally established law enforcement districts. The conferees direct the Department of Justice to ensure that parish sheriffs establish an advisory board pursuant to section 103 of H.R. 728 and shall consider recommendations made by this board to be binding.

Juvenile Accountability Incentive Block Grant.—The conference agreement provides $250,000,000 for a Juvenile Accountability Incentive Block Grant program to address the growing problem of juvenile crime by encouraging accountability-based reforms at the State and local level, instead of $300,000,000 as proposed in the House bill and $145,000,000 as proposed in the Senate bill. Under this program, funds are to be made available to States, based on each State's comparative juvenile population, and units of local governments are to receive 75% of the amount provided to the States based on a combination of law enforcement expenditures and Uniform Crime Report part 1 violent crimes. To be eligible to receive funds under this program, States must have certified to the Attorney General that they are actively considering, or will consider within the next year, through laws, policies or programs, accountability-based reforms—including graduated sanctions, adult prosecution of violent juveniles, and juvenile record reforms—in accordance with H.R. 3. Funds are available for the following purposes:

(1) building, expanding or operating juvenile detention and corrections facilities;

(2) developing and administering accountability-based sanctions for juvenile offenders;

(3) hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;

(4) hiring additional prosecutors so that more cases involving violent juvenile offenders can be prosecuted and backlogs can be reduced;

(5) providing funding to enable prosecutors to address drug, gang, and youth violence more effectively;

(6) providing funding for technology, equipment and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

(7) providing funding to enable juvenile courts and probation offices to be more effective and efficient in holding juvenile offenders accountable;

(8) establishing court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

(9) establishing drug court programs for juvenile offenders;

(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to identify, control, supervise and treat serious juvenile offenders; and

(11) establishing and maintaining accountability-based programs that work with the juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence.

The conference agreement provides a presumption that not less than 45% of any grant provided to a state or unit of local government is available for the purposes set forth in paragraphs (3) through (9) above and not less than 35% is available for the purposes set forth in paragraphs (1), (2), and (10) above. The conference agreement includes language limiting the federal share of construction costs of permanent juvenile corrections facilities to no more than 50% of the total cost. The conferees are concerned that little data exists on the capacity of juvenile detention and corrections facilities to handle both existing and future needs and direct the Office of Justice Programs to conduct a national assessment of the supply of and demand for juvenile detention space, with particular emphasis on capacity requirements in New Hampshire, Mississippi, Alaska, Wisconsin, California, Montana, West Virginia, Kentucky, Louisiana, and South Carolina, and to provide a report to the Committees on Appropriations of the House and the Senate by July 15, 1998. The conference agreement provides that to receive funds under this block grant, States must have in place a coordinated plan for reducing juvenile crime, developed by a coalition of law enforcement and social service agencies involved in juvenile crime prevention, and have implemented, or will implement by January 1, 1999, a policy of testing appropriate categories of juveniles for use of controlled substances. The conferees agree that the coalitions should have broad discretion to utilize funds for a variety of purposes, consistent with items referenced above, targeted at reducing juvenile crime at the local level. The conference agreement also provides that States should consider making available to the FBI records of delinquency adjudication which are treated in a manner equivalent to adult records as part of their consideration of juvenile records reforms.

The conferees expect the Justice Department to establish guidelines in consultation with the Committees on Appropriations and the Judiciary of both the House and Senate that set forth the various circumstances by which States may qualify for funding under this program. Such guidelines should identify what generally constitutes active consideration of the reform requirements in H.R. 3 in order to direct State governors for purposes of the certification process described above. The guidelines should also include accommodations, which provide for a reduction in the local distribution requirement of section 1803 of H.R. 3, with respect to any State which bears the primary financial burden within the State for the administration of juvenile justice and which provide for local distribution consistent with H.R. 728 for the State of Louisiana. The conferees expect that the Justice Department, in developing the guidelines, will take into consideration the fact that many States are currently in the process of reforming their juvenile justice systems.

Drug Courts.—The conference agreement includes $30,000,000 for drug courts as proposed in the House bill instead of $40,000,000 as proposed in the Senate bill. The conferees note that localities may also obtain funding for drug courts under the Local Law Enforcement Block Grant and the Juvenile Accountability Incentive Block Grant.

Upgrade Criminal History Records (Brady Bill).—The conference agreement provides $45,000,000, as proposed in both the House and Senate bills, for States to upgrade criminal history records as required under the Brady Bill.

State Prison Grants.—The conference agreement provides $720,500,000 for State Prison Grants, instead of $722,500,000 as proposed in the House bill and $740,500,000 as proposed in the Senate bill. Of the amount provided, $525,500,000 is available to states to build and expand prisons, $165,000,000 is available to States for the incarceration of criminal aliens and $25,000,000 is for the Cooperative Agreement Program. The conference agreement also adopts language in the Senate bill which provides $5,000,000 for construction of jails on Indian reservations and directs the Office of Justice Programs, within the amount provided to examine a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions for funding to support the design phase of a tribal detention facility in Philadelphia, Mississippi. The conference agreement does not include language proposed in the House bill that allows California to use funds provided under the State Prison Grant program to support the cost of incarcerating criminal aliens. The conference agreement also does not include language proposed in the Senate bill to permit prison construction funds to be used

to construct juvenile detention facilities, because construction of juvenile facilities is an allowable use of funds under the Juvenile Accountability Incentive Block Grant program.

The conferees continue to be concerned that there is no consistent annual reporting of the incidence and circumstances of deaths that occur at municipal or county jails, State or Federal prisons, or other similar facilities for the confinement of accused or convicted criminals. The conferees direct OJP to provide a report to the Committees on Appropriations of the House and the Senate by February 15, 1998 on the feasibility of creating a single source for annual statistics on in-custody deaths.

State Criminal Alien Assistance Program.—The conference agreement provides a total of $585,000,000 for the State Criminal Alien Assistance Program for reimbursement to States for the costs of incarceration of criminal aliens, instead of $600,000,000 as proposed in the House bill and $500,000,000 as proposed in the Senate bill. Of the total amount, the conference agreement includes $420,000,000 under this account for the State Criminal Alien Assistance Program as proposed in the House bill, and $165,000,000 for this purpose under the State Prison Grants program.

Violence Against Women Act Programs.—The conference agreement includes $270,750,000 for grants to support the Violence Against Women Act instead of $305,500,000 as proposed in the House bill and $263,750,000 as proposed in the Senate bill. Grants provided under this account are for the following programs:

General Grants	$172,000,000
Victims of Child Abuse Programs:	
Court-Appointed Special Advocates	7,000,000
Training for Judicial Personnel	2,000,000
Grants for Televised Testimony	1,000,000
Grants to Encourage Arrest Policies	59,000,000
Rural Domestic Violence	25,000,000
National Stalker and Domestic Violence	2,750,000
Training Programs	2,000,000
Total	270,750,000

Within the amount provided for General Grants, the conference agreement includes an additional $12,000,000 exclusively for the purpose of augmenting civil legal assistance programs to address domestic violence, $7,000,000 for research and evaluation of domestic violence programs, and $853,000 to support an enhanced domestic prosecution unit within the District of Columbia. Within the amounts provided, the Office of Justice Programs is expected to examine a proposal for operating expenses of a public-private partnership demonstration project in Las Vegas, Nevada, for a home for victims of domestic abuse, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate.

Substance Abuse Treatment for State Prisoners.—The conference agreement includes $63,000,000 for substance abuse treatment programs within State and local correctional facilities, as proposed in the House bill, instead of $61,200,000 as proposed in the Senate bill.

DNA Identification State Grants.—The conference agreement includes $12,500,000 for DNA Identification State Grants, instead of $10,000,000 as proposed by the House and $15,000,000 as proposed by the Senate. Within the amount made available under this program, the conferees expect the Office of Justice Programs and the FBI to review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding a $2,000,000 grant to the Marshall University Forensic Science Program.

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

Senior Citizens Against Marketing Scams.—The conference agreement includes $2,500,000 for programs to assist law enforcement in preventing and stopping marketing scams against senior citizens, instead of $2,000,000 as proposed in both the House and Senate bills.

Motor Vehicle Theft Prevention.—The conference agreement includes $750,000 for grants to combat motor vehicle theft, as proposed in both the House and Senate bills.

Safe Return Program.—The conference agreement includes $900,000 for the Missing Alzheimer's Patient Program, as proposed in both the House and Senate bills.

WEED AND SEED PROGRAM FUND

The conference agreement includes a direct appropriation of $33,500,000 for the Weed and Seed program, instead of $40,000,000 as proposed in the House bill and $33,500,000 as proposed by the Senate bill as part of the discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. The conference agreement adopts the recommendation in the House and Senate bills that provides that within the overall amount provided to Weed and Seed, the Office of Justice Programs (OJP) is expected to review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding a grant of $190,000 to Gospel Rescue Ministries of Washington, D. C. to complete renovation of the former Fulton Hotel to a center for drug-addicted women. The conference agreement does not include the provision as proposed in the House bill directing OJP to obligate all funds for this program by July 1, 1998.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

The conference agreement includes $1,430,000,000 for the Community Oriented Policing Services (COPs) program, instead of $1,420,000,000 as proposed by the House and $1,440,000,000 as proposed by the Senate bill. This statement of managers reflects the agreement of the conferees on how funds provided for all programs under the Community Oriented Policing Services program in this conference report are to be spent.

Police Corps.—Within the total amount provided, the conference agreement provides $30,000,000 for the Police Corps program, instead of $20,000,000 as proposed by the House bill and $40,000,000 as proposed by the Senate bill. The conferees expect the COPs Office to examine a proposal, make a grant if warranted, and provide a report to the Committees on Appropriations of the House and the Senate regarding a $2,000,000 continuation grant for advanced police education training in the State of Mississippi.

Management and Administration.—The conference agreement also includes a provision that provides that not to exceed 186 positions, 186 workyears, and $20,553,000 shall be expended for management and administration of the COPs program, as proposed in the House bill, instead of 270 positions, 228 workyears, and $24,669,000, as proposed in the Senate bill. The conferees will entertain a request for reprogramming or transfer of funds, pursuant to section 605 of this Act, to increase this amount.

Police Hiring Initiatives.—The conferees have provided funding over the last four years to support grants for the hiring of 64,395 police officers. The conference agreement for fiscal year 1998 provides funding for an additional 17,000 officer grants, which will bring the total number of new police officer grants under this program to 81,395. The conferees expect that resources provided will be used for hiring grants under both the Universal Hiring Program and the COPs Making Officer Redeployment Effective (MORE) program in order to accomplish this goal. In addition, the conference agreement adopts the provision in the Senate bill allowing up to 20% of COPs funds to be used for the COPs MORE program.

Non-Hiring Initiatives.—The conferees are aware that the COPs program has carried forward $359,000,000 into fiscal year 1998 after completion of its hiring grant process for 1997. During the past two years, funding was restricted to hiring initiatives in order to progress toward the most important goal of the program, putting 100,000 cops on the street. With significant progress toward that goal, the conferees are concerned that communities, particularly communities with populations below 50,000 and with limited public safety resources, may need assistance to sustain progress in reducing crime and to translate the short-term Federal investment into a long-term local capacity to fight crime. The conferees also want to ensure that there is adequate infrastructure for the new police officers, similar to the focus that has been provided for Federal law enforcement over the past few years, so that police officers may work more efficiently, equipped with the tools and technology they need, and with the flexibility to design specific strategies to target specific crime problems, such as crime in and around schools, the emergence of methamphetamine in new areas, and the challenge of policing ''hot spots'' of drug market activity. The conferees believe that $103,000,000 of unused funds from fiscal year 1997 should be used to address these critical law enforcement requirements and direct the COPs program to establish the following non-hiring grant programs:

1. COPs Technology Program.—The conference agreement directs $38,000,000 of unobligated balances to be used for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime. In particular, the conferees recognize the importance of sharing of criminal information and intelligence between State and local law enforcement to address multi-jurisdictional crimes.

Within the amounts made available under this program, the conferees expect the COPs office to award grants for the following technology proposals:

$7,500,000 for the Southwest Border States Anti-Drug Information System, which will provide for the purchase and deployment of this technology network between all State and local law enforcement agencies in the four southwest border states—California, Arizona, New Mexico, and Texas—to provide information sharing of drug trafficking along the U.S.-Mexico border, by linking criminal and intelligence databases of these states, the El Paso Intelligence Center, and certain components of the Regional Information Sharing System;

$7,500,000 for the Law Enforcement On-Line system, to add 15,000 State and local users to a secure national interactive computer communications network currently being developed with the FBI;

$5,000,000 to expand the Regional Information Sharing System (RISS) by providing access to law enforcement member agencies to

the RISS Secure Intranet to increase their ability to share and retrieve criminal intelligence information on a real-time basis;

$3,000,000 for the Jefferson Parish, Louisiana Sheriffs Department for software development and network capability to enhance radio communications and to develop a model for interconnectivity and interoperability;

$10,000,000 for the North Carolina Criminal Justice Information System, to meet North Carolina's public safety needs;

$800,000 for the South Dakota Division of Criminal Investigation for the procurement of equipment for law enforcement telecommunications, emergency communications and the state forensic laboratory;

$100,000 for establishment of a 911 emergency system in Roberts County, South Dakota;

$2,000,000 for the rural states management information system demonstration project in Alaska;

$1,000,000 for the development and deployment of a multi-agency, multi-jurisdictional communications system in the Northeast to support routine and emergency information sharing among local, state, and federal law enforcement agencies;

$500,000 for the Mt. Pleasant, South Carolina Police Department for computer enhancements and policing equipment upgrades; and

$500,000 for the Charleston, South Carolina Police Department for computer enhancements and policing equipment upgrades.

In addition, the conferees support the development of new technologies which enhance the ability of State and local law enforcement to respond to 911 calls. Recent developments with the use of the 311 non-emergency number has shown promising results and the conferees support the use of these funds for this purpose. In addition, the conferees are aware of the potential law enforcement communications and technology needs arising from the 2002 Winter Olympics and direct that within the overall amounts provided for the COPs program, the COPs office should examine a proposal for a grant to the appropriate unit or units of government in Utah for enhancements and upgrades of security and communications infrastructure.

2. Police Recruitment Program.—The conferees direct $1,000,000 of unobligated balances in the COPs program to be used for police recruitment programs authorized under subtitle H of Title III of the Violent Crime Control and Law Enforcement Act of 1994, as proposed by the House bill. Within the amount provided, the COPs Office is expected to review a proposal, provide a grant if warranted, and submit a report to the Committees on Appropriations of the House and the Senate regarding a $500,000 grant for the police recruitment program of St. Paul's Community Baptist Church in East New York, New York.

3. Community Policing to Combat Domestic Violence Program.—The conferees direct $12,500,000 of unobligated balances in the COPs program to be used for the Community Policing to Combat Domestic Violence Program established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Within the amount provided, the conferees expect the COPs office to review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate regarding a $2,500,000 continuation grant for the State of Washington Community Policing to Combat Domestic Violence program.

4. COPs Methamphetamine Program.—The conferees direct $34,000,000 of unobligated balances in the COPs program to be used for State and local law enforcement programs to combat methamphetamine production, distribution, and use, and to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The conferees are aware that the production, trafficking, and usage of methamphetamine, an extremely destructive and addictive synthetic drug, is a growing national problem, particularly in California, the Southwest, and the Midwest. Within the amount provided for this program, the conferees expect the COPs office to award grants for the following programs:

$18,200,000 to the California Bureau of Narcotics Enforcement's Methamphetamine Strategy to support additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs;

$1,200,000 for the Tri-State Methamphetamine Training program to train officers from rural areas on methamphetamine interdiction, covert operations, intelligence gathering, locating clandestine laboratories, case development, and prosecution;

$3,000,000 for Midwest and $1,500,000 for East Coast Methamphetamine Initiatives to provide training by Drug Enforcement Administration officials to State and local law enforcement on the proper collection, removal, and destruction of methamphetamine, precursor chemicals, laboratory equipment, and related materials using certified hazardous waste management methods; and

$5,000,000 for support by the Drug Enforcement Administration to State and local law enforcement for the clean-up and disposal of clandestine methamphetamine laboratories.

5. COPs Innovative Policing Initiatives.—The conferees direct $17,500,000 of unobligated balances in the COPs program to be used to provide grants to police agencies and community-based entities to provide innovative solutions to local crime problems, such as programs to improve the safety of elementary and secondary school children, reduce crime on or near elementary and secondary schools, and enhance policing initiatives in ''hot spots'' of drug market activity.

COPs Small Community Grant Program.—The conferees have recently received a reprogramming request from the Department of Justice that proposes a number of changes in the COPs program which have long-term policy and cost implications. The House and Senate Committees on Appropriations have requested additional financial and program data to evaluate these proposals. However, in addition to the use of unobligated balances for innovative programs mentioned above, the conferees agree that at this time they are in support of an innovative program that addresses COPs retention issues in smaller communities with populations below 50,000. It is in these small communities, especially in rural areas, that the community policing program has had a strong positive impact. In some of these smaller communities, COPs grants may have only provided an increase of one or two new police officers, but this increase may have translated into a 25 to 50 percent increase in the overall police force. Many of these communities have a limited tax base and have expressed concern with their ability to retain officers in fiscal year 1998, thus putting in jeopardy not only the goal of achieving an additional 100,000 cops on the beat, but the overall public safety of these communities. Therefore, the conferees support the use of an additional $100,000,000 of unobligated balances for one-time grants targeted specifically for retention of police officers to support special public safety and crime prevention projects in jurisdictions serving populations below 50,000. Grantees must be in good standing and must demonstrate the ability to retain the officer after the grant expires. In awarding these grants, the COPs Office should take into consideration: (1) the specific public safety concern(s) that would be addressed by activities performed by the police officer(s); (2) the extent to which the community can demonstrate that a severe hardship to maintaining public safety would be created if the police officer(s) could not be retained; (3) a demonstration that financial hardship and/or a severe budget constraint that impacts the entire local budget, will result in the termination of employment for the police officer(s); (4) a commitment from the local community to support ongoing costs of the project at the end of the grant period; and (5) the extent to which the existing community policing grant has had a measurable impact on the community, either in terms of crime reduction or the development of new crime prevention programs or approaches.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $238,672,000, a 36 percent increase over the current fiscal year level, for Juvenile Justice programs, as proposed in the House bill, instead of $235,422,000 as proposed in the Senate bill. The conferees understand that changes to Juvenile Justice and Delinquency Prevention Programs are being considered in the reauthorization process of the Juvenile Justice and Delinquency Act of 1974. However, absent completion of this reauthorization process, the conferees provide funding consistent with the current Juvenile Justice and Delinquency Prevention Act. In addition, the conference agreement includes language that provides that funding for these programs shall be subject to the provisions of any subsequent authorization legislation that is enacted.

Juvenile Justice and Delinquency Prevention.—Of the total amount provided, $231,672,000 is for grants and administrative expenses for Juvenile Justice and Delinquency Prevention programs including:

1. $5,922,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. $96,500,000 for Formula Grants for assistance to State and local programs (Part B). A provision is included that makes $26,500,000 of the amount available for formula grants available to States that have adopted (or will have in effect not later than one year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent.

3. $45,250,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C). Within the amount provided for Part C discretionary grants, the conferees direct OJJDP to review the following proposals, provide a grant if warranted, and submit a report to the Committees on Appropriations of the House and the Senate on its intentions regarding:

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

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

$2,000,000 for Parents Anonymous, which develops partnerships with local communities to build and support strong, safe families and to help break the cycle of abuse and delinquency;

$1,750,000 for the Juvenile Offender Transition Program, a public/private partnership to reduce the rate of recidivism among juvenile offenders by partnering certain offenders with a local college or university student in a mentoring-protege program;

$1,300,000 for the Suffolk University Center for Juvenile Justice, dedicated to representing children in criminal cases in juvenile court and children and parents in civil matters as well as gang related and abuse cases;

$1,350,000 for establishment of a center for crimes and violence against children based on the reality that children are disproportionate victims of crime and violence;

$300,000 for the Metro Denver Gang Coalition to allow service providers and community members to share information, support program efforts, and create positive changes in youth, families, and communities; and

$100,000 for the Crow Creek Alcohol and Drug Program.

In addition, the conferees direct OJJDP to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: continued support for the Hamilton Fish National Institute for School/Community Violence; a grant to the Low Country Children's Center; a grant to the Coalition for Juvenile Justice; a grant to Project O.A.S.I.S; a grant to Kids Peace National Center for Kids; continued support at current levels for law-related education; a grant to the Consortium on Children, Families, and Law; a grant to the Vermont Department of Social and Rehabilitative Services; a grant to the Grassroots Drug Prevention program; a grant to the Dona Ana Camp; a grant to the Center for Prevention of Juvenile Crime and Delinquency at Prairie View University; a grant to the New Mexico Prevention Project; a grant to the No Hope in Dope Program; a grant to study the link between child abuse and criminal behavior in Alaska; a grant to the Gainesville Juvenile Assessment Center; a grant to the Lincoln Council on Alcohol and Drugs; a grant to the Hill Renaissance Partnership; a grant to the National Training and Information Center; a grant to the Culinary Arts Training Program for at-risk youth; a grant to the Women of Vision program for youthful female offenders; continued funding for the Violence Institute of New Jersey; and a grant to the Delancy Street Foundation.

The conferees are also concerned about the availability to children of pornographic images via the Internet, and direct the OJJDP to confer with the National Academy of Sciences, and provide a grant if warranted, on the most effective techniques and technologies to block children from receiving these images.

4. $12,000,000 to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes.

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

6. $12,000,000 for the Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk youth through the use of mentors by bringing together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors. Within the amount provided the conferees expect the OJJDP to provide no less than $1,000,000 for Big Brothers Big Sisters programs. In addition, within the amount provided, the conferees expect OJJDP to review a proposal for $2,000,000 for technical assistance and training to JUMP grantees, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions.

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

Drug Prevention Program.—The conferees recognize that while crime is on the decline in certain parts of America, a dangerous precursor to crime, namely teenage drug use, is on the rise and may soon reach a 20-year high. The conference agreement includes $5,000,000, as proposed in the House bill, to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, and unattractive. The conferees expect OJJDP to submit a program plan for activities to be funded under this initiative by February 1, 1998, including goals to measure program success and expect that this initiative will be consistent with existing research findings on effective prevention methods against teenage drug abuse.

Combatting Underage Drinking.—The conferees recognize that the purchase and consumption of alcoholic beverages by minors is a prevalent problem and that there is a causal relationship between underage drinking and both violent and non-violent crime. The conference agreement includes $25,000,000 for grants of $360,000 to each State, $5,000,000 for discretionary grants, and $1,640,000 for training and technical assistance to enforce State laws prohibiting the sale of alcoholic beverages to minors and to prevent the purchase or consumption of alcoholic beverages by minors. Projects funded may include: Statewide task forces of State and local law enforcement and prosecutorial agencies to target establishments suspected of a pattern of violations of State laws governing the sale and consumption of alcohol by minors; public advertising programs to educate establishments about statutory prohibitions and sanctions; and innovative programs to prevent and combat underage drinking.

Victims of Child Abuse Act.—The conference agreement includes $7,000,000 to improve investigations and prosecutions and for the various programs authorized under the Victims of Child Abuse Act (VOCA, Subtitle A), as proposed in the House bill. The following programs are included in the agreement:

$1,000,000 to establish Regional Children's Advocacy Centers, as authorized by section 213 of VOCA, including $300,000 for the Southern Regional Child Advocacy Center;

$4,000,000 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 conference agreement includes the requested language for death benefits under the Public Safety Officers Benefits program for fiscal year 1998, which will fully fund anticipated payments.

In addition, the conference agreement includes $2,000,000 for the Federal Law Enforcement Assistance Program for fiscal year 1998, as proposed in both the House and Senate bills.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

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

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

Sec. 102.—The conference agreement includes section 102 as proposed by both the House and Senate bills, which continues certain authorities for the Justice Department in fiscal year 1998 that were contained in the Department of Justice Authorization Act, fiscal year 1980.

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

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

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

Sec. 106.—The conference agreement includes section 106 as proposed by both the House and Senate bills, 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 reward.

Sec. 107.—The conference agreement includes section 107 as proposed by both the House and Senate bills, which allows the Department of Justice, subject to reprogramming procedures, to transfer up to 5 percent between any appropriation, but limits to 10 percent the amount that can be transferred into any one appropriation.

Sec. 108.—The conference agreement includes section 108 as proposed in the House bill and similar to language included in the Senate bill, that allows balances remaining in the Assets Forfeiture Fund after September 30, 1997 to be available to the Attorney General for any authorized purpose of the Department of Justice.

Sec. 109.—The conference agreement includes section 109, similar to language proposed in the House bill and language included in the Senate bill under section 114, which authorizes the use of unexpended Crime Victims Fund dollars previously available to the Administrative Office of the U.S. Courts for the National Fine Center, to be used to improve services for crime victims in the Federal criminal justice system.

The conferees understand that this provision will allow $21,000,000 in unexpended Crime Victims Fund monies to be available to the Director of the Office for Victims of Crime. The conferees direct this funding to be used for the following initiatives: (1) $12,000,000 to support 93 victim witness coordinators and advocates to be assigned to various U.S. Attorneys Offices, including victim support for D.C. Superior Court, for fiscal years 1998 and 1999; (2) $8,000,000 for the establishment of an automated victim information and notification system for Federal cases; and (3) $1,000,000 for restitution collection and enforcement and the processing and tracking of Federal criminal monetary penalties and related litigation activities.

Sec. 110.—The conference agreement includes section 110 as proposed in the Senate bill which merges the INS detention account and the INS Breached Bond/Detention Fund. The House bill did not contain a provision on this matter.

Sec. 111.—The conference agreement includes a new provision under section 111, not proposed in the House or Senate bills, that provides for continuation of Section 245(i) of the Immigration and Nationality Act (INA) for any alien (including the spouse or child of the principal alien) who has been approved for or has filed a petition for permanent immigration, or has filed for labor certification with the Department of Labor, as of January 14, 1998. In addition, the provision also includes an exception for persons obtaining an employment-based visa which allows the person to adjust to permanent resident status under section 245(a) of the INA if the person lapsed into illegal status for less than six months. The Senate bill included a permanent extension of section 245(i) of the INA. The House bill did not contain a provision on this matter.

Sec. 112.—The conference agreement includes section 112, similar to language included in the Senate bill, that extends the filing period for certain naturalization opportunities for Philippine army, scouts, and guerrilla veterans of World War II. The House bill did not contain a provision on this matter.

Sec. 113.—The conference agreement includes section 113, similar to language included in the Senate bill, that amends the Immigration and Nationality Act to address several problems encountered in the implementation of the special immigrant juvenile provision. The language has been modified in order to limit the beneficiaries of this provision to those juveniles for whom it was created, namely abandoned, neglected, or abused children, by requiring the Attorney General to determine that neither the dependency order nor the administrative or judicial determination of the alien's best interest was sought primarily for the purpose of obtaining the status of an alien lawfully admitted for permanent residence, rather than for the purpose of obtaining relief from abuse or neglect. The conferees intend that the involvement of the Attorney General is for the purposes of determining special immigrant juvenile status and not for making determinations of dependency status. In addition, in order to preclude State juvenile courts from issuing dependency orders for juveniles in actual or constructive custody of the INS, the modified provision removes jurisdiction from juvenile courts to consider the custody status or placement of such aliens unless the Attorney General specifically consents to such jurisdiction. The House bill did not contain a provision on this matter.

Sec. 114.—The conference agreement includes section 114, as proposed in the Senate bill under section 115, that implements a ruling of the U.S. Court of Federal Claims. The House bill did not include a provision on this matter.

Sec. 115.—The conference agreement includes a new provision, similar to language included in the Senate bill under section 116 and similar to H.R. 1683 as passed by the House of Representatives on September 23, 1997, that recommends amendments to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Improvement Act, to give States greater flexibility in creating and implementing individual sex offender registration programs. The House bill did not include a provision on this matter.

Sec. 116.—The conference agreement includes section 116, as proposed in the Senate bill under section 117, that extends and expands the entrepreneurial visa pilot program under the Immigration and Nationality Act. The House bill did not include a provision on this matter.

Sec. 117.—The conference agreement includes section 117, similar to language proposed in the Senate bill, that provides for enhanced security at a government-leased facility housing Federal employees in Albuquerque, New Mexico. The conferees expect the Attorney General, through contracts with the U.S. Attorneys and the U.S. Marshals, to provide for security upgrades for the period of time that Department of Justice employees are occupants of this building. After that time, the General Services Administration is directed to provide this enhanced security for the remaining Federal tenants located in this building. The House bill did not include a provision on this matter.

Sec. 118.—The conference agreement includes section 118, as proposed in the Senate bill, that authorizes the transfer to State and local governments certain surplus property for use for law enforcement or fire and rescue purposes. The House bill did not include a provision on this matter.

Sec. 119.—The conference agreement includes section 119, as proposed in the Senate bill under section 126, that amends the current Community Oriented Policing Services (COPs) statute to allow up to 20 percent of funds provided in each fiscal year to be available for the COPs MORE program. The House bill did not include a provision on this matter.

Sec. 120.—The conference agreement includes section 120, as proposed in the Senate bill under section 128, that amends the Antiterrorism and Effective Death Penalty Act of 1996 to delay until October 1, 1999 the effective date of changes made by Section 233 of the Act dealing with the compensation of victims of terrorism. The House bill did not contain a provision on this matter.

Sec. 121.—The conference agreement includes section 121, as proposed in the Senate bill under section 129, that requires the Attorney General to submit a report within 180 days after the enactment of this Act, which includes a plan for the implementation of a requirement that prior to the release of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor, or for a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database. The House bill did not contain a provision on this matter.

Sec. 122.—The conference agreement includes section 122, that allows the Director of the FBI, with approval of the Attorney General, to design and implement over a three year period, a new system of pay, classification, and personnel management for up to 3,000 non-Special Agent scientific, technical, engineering, intelligence analyst, language translator and medical positions. This provision replaces language included in the Senate bill that would have exempted all non-Senior Executive Service FBI employees from the provisions of Title 5, United States Code. The House bill did not include a provision on this matter.

The conferees agree that the scope of this new provision is more limited and focused on selected categories of non-Special Agent positions that are considered by the conferees to be especially critical to the current and future success of the FBI's counterterrorism and technology crimes initiatives. During House and Senate Appropriations hearings on counterterrorism, the FBI expressed the difficulty it is experiencing in recruiting experienced professionals for certain highly-competitive specialty positions, a situation that, if not corrected, could negatively impact the Bureau's ability to investigate terrorists and organized criminal groups that often use technology to commit crimes or impede law enforcement efforts. In addition, the conferees note that the Department of Justice Inspector General identified serious weaknesses in the management and operations of the FBI laboratory and as a result of the findings in this report, the Director of the FBI concluded that Title 5, United States Code, impeded his ability to recruit and retain scientific and technical personnel to improve the laboratory's operations. This provision will enable the Director to address these concerns.

The conferees agree that positions encompassed by this authority, include professional positions currently classified in accordance with standards issued by the Office of Personnel Management under the GS-0132, 0334, 0391, 0401, 0801, 0808, 0810, 0830, 0850, 0854, 0855, 0856, 1040, 1301, 1320, 1321, 1520, and 1550 occupational groups. In addition, within 90 days of enactment, the Director must provide to the relevant Committees of Congress, an operating plan that identifies the provisions of Title 5 that impede effective human resources management in the Bureau and that describes the personnel system that will be established under this authority. The conferees further agree that any performance management system adopted by the Director shall include at least two levels of performance above a retention standard. This will ensure that no ''pass/fail'' system will impede the Bureau's ability to recognize outstanding performance by its employees. In addition, the provision requires the submission of an evaluation of the new personnel system established by March 31, 2000, including both a comparison with other laboratories operated by Federal agencies and a cost comparison with private sector laboratories which provide similar services on a commercial basis. This cost comparison is to be conducted consistent with standards articulated in Office of Management and Budget Circular A-76.

The conference agreement also includes establishment of a similar hiring demonstration project for up to 950 employees of the Department of the Treasury, under the existing procedures of Chapter 47, Title 5, United States Code.

Sec. 123.—The conference agreement includes section 123, that makes technical and limited changes to the Prison Litigation Reform Act of 1995, in order to clarify Congress' earlier stated intent of this legislation. The changes include replacing the word ''permits'' with ''requires'' to make clear that ''state or local official'' includes individual state legislators, or a unit of government with regard to who is entitled to intervene as a right, in a district or appellate court, to challenge prisoner release orders or seek their termination. It is intended that a court should implement the intervention provisions in a manner that gives them their full effect by ruling in a timely fashion on such motions and that delaying a ruling on the intervention prevention should not be used as justification for avoiding the automatic stay. The provision also includes a change in subsection (b)(3) that corrects the confusing use of the word ''or'' to describe the limited circumstances when a court may continue prospective relief in prison conditions litigation to make clear that a constitutional violation must be ''current and ongoing''. These dual requirements are necessary to ensure that court orders do not remain in place on the basis of a claim that a current condition that does not violate prisoners' Federal rights nevertheless requires a court decree to address it, because the condition is somehow traceable to a prior policy that did violate

Federal rights, or that government officials are ''poised'' to resume a prior violation of federal rights. If an unlawful practice resumes or if a prisoner is in imminent danger of a constitutional violation, the prisoner has prompt and complete remedies through a new action filed in State or Federal court and preliminary injunctive relief. Changes are also included to make clear that mandamus relief is available to compel the court to issue a ruling on a pending motion and to provide the courts additional time (60 days) to rule on motions to terminate before the automatic stay takes effect.

Sec. 124.—The conference agreement includes section 124, that amends the requirements for transfer of surplus balances in the Department of Justice Assets Forfeiture Fund. The House and Senate bills did not include a provision on this matter.

Sec. 125.—The conference agreement includes a provision that extends the visa waiver pilot program until April 30, 1998.

Sec. 126.—The conference agreement includes a provision that extends through May 1, 1998 the Department of State Consolidated Immigrant Visa Processing Center on-line access to the Interstate Identification Index of the National Crime Information Center and the requirement that the Secretary of State submit certain fingerprints relating to applications for immigrant visas to the Federal Bureau of Investigation.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $23,450,000 for the salaries and expenses of the Office of the United States Trade Representative, instead of $22,700,000 as proposed in the House bill, and $22,092,000 as proposed in the Senate bill, an increase of $2,001,000 above the fiscal year 1997 level.

The conferees note that on September 16, 1997, a budget amendment was submitted requesting an additional $1,700,000 above the original request for the following: (1) increased enforcement activities; (2) increased negotiation activities related to Latin America, Asia, and the World Trade Organization; and (3) creation of a new office within the USTR. The conference agreement provides $1,358,000 of the amount requested in the budget amendment for the following activities: (1) increased personnel to vigorously defend and prosecute trade cases on behalf of the United States in dispute settlement proceedings in the World Trade Organization and other trade fora, as well as to increase the USTR's notifications to and consultations with the Congress and other interested parties regarding such proceedings and on on-going trade negotiations, including the possible effects of such proceedings and negotiations on Federal, State, and local laws; and (2) increased personnel for Latin American, Asian, and the World Trade Organization negotiations.

The conference agreement also includes bill language limiting the number of political appointees to not more than 25 positions by May 1, 1998. The Senate bill contained a similar provision providing a limitation of not more than 15% of the total number of full-time equivalent positions, while the House bill did not address this matter.

To assist the U.S. Trade Representative in litigation before international panels, the conferees urge the USTR to permit participation of non-governmental U.S. persons in the development of U.S. positions and in the preparation for consultations and dispute settlement proceedings, provided that such persons are supportive of the United States Government's position in the proceedings and have a direct interest in the matter in dispute, and provided that the United States Government does not pay for any litigation expenses incurred by such persons. The conferees urge that such persons be permitted to participate in international consultations and dispute settlement proceedings where the USTR believes such participation would assist in the U.S. prosecution or defense in the proceedings.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $41,200,000 for the salaries and expenses of the International Trade Commission (ITC) for fiscal year 1998, instead of $41,400,000 as proposed in the House bill and $41,000,000 as proposed in the Senate bill.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $283,066,000 in new budgetary resources for the operations and administration of the International Trade Administration for fiscal year 1998, instead of $279,500,000 as proposed by the House bill, and $280,736,000 as recommended in the Senate bill. In addition to this amount, the conference agreement assumes $4,800,000 in unobligated prior year carryover, resulting in a total fiscal year 1998 availability of $287,866,000.

The following table reflects the distribution of funds by activity included in the conference agreement:

Trade Development	$58,986,000
Market Access and Compliance	17,340,000
(Trade Compliance Center)	(3,000,000)
Import Administration	28,770,000
U.S. & F.C.S.	171,070,000
Executive Direction and Administration	11,700,000
Carryover	(4,800,000)
Total, ITA	283,066,000

The conference agreement includes a new budget structure for the ITA, which delineates funding for policy and administrative overhead expenses into a new separate component within ITA. For years, the ITA has attempted to thwart congressional intent in the distribution of funds provided to each ITA component by using the practice of administrative and executive tithing against ITA program components in order to redistribute funding for ITA programs. Therefore, the conferees have adopted and expanded the approach taken in the House bill to address these problems by including bill language designating the amounts provided in fiscal year 1998, including carryover, for each component and activity in ITA, in addition to creating a new Executive Direction and Administration activity. The conferees expect the fiscal year 1999 budget submission to include a separate activity for Executive Direction and Administration. Further, the conferees direct that centralized services (i.e. rent and utilities payments, the Office of the General Counsel and Departmental administrative support services) be proportionately charged to each activity based on actual usage, and direct that the practice of redistributing resources through such administrative charges cease immediately upon enactment of this Act. The conferees direct that the ITA submit a report to the Committees on Appropriations no later than December 15, 1997 on the distribution of fiscal year 1998 centralized services charged against each ITA activity, as well as for the Trade Compliance Center.

Executive Direction and Administration.—The conference agreement includes $11,700,000 for this activity, a $220,000 increase over the amount expended for this activity in fiscal year 1997 through tithes against the other ITA components. The following offices and activities are included under this new line item: the Office of the Under Secretary, the Office of the Deputy Under Secretary, the Office of Public Affairs, the Office of Legislative and Intergovernmental Affairs, the Director of Administration, Office of Financial Management, Office of Organization and Management Support, Office of Human Resources Management, and the Office of Information Resources Management.

Previously, funding for these offices was derived through assessments levied against each of the ITA's four program activities. In the interest of budget clarity, the conference agreement has provided a separate amount for these policy and overhead functions, and has reduced the four ITA components by $11,700,000 as follows: (1) $3,080,000 from Trade Development; (2) $1,360,000 from Market Access and Compliance; (3) $2,130,000 from the Import Administration; and (4) $5,130,000 from the U.S. and Foreign Commercial Service. The conferees expect that all support for these offices and their functions included under the new Executive Direction and Administration activity will be fully supported through this discrete line item and expect that no direct or indirect assessments will be levied against the other components of ITA.

Trade Development (TD).—The conference agreement provides $58,986,000 for this activity. Of the amounts provided, $46,396,000 is provided for the base program, an increase of $1,776,000 above the amounts available to TD programs in fiscal year 1997 exclusive of assessments against TD to support Executive Direction and Administration functions. The conferees direct a $400,000 reduction in funding for the Advocacy Center and assume the Center will refocus its activities toward small and medium-sized businesses. In addition, within the amounts provided, $9,000,000 is for the National Textile Center consortium to continue funding for the current participants as well as to expand the program to include the Philadelphia College of Textiles, and $3,000,000 is provided for the Textile/Clothing Technology Corporation. Further, the conference agreement includes continued funding for the Access Mexico program at the level recommended in the Senate report, and provides $500,000 for continuation of the international global competitiveness initiative, and $2,500,000 for the Market Cooperator Development program.

Market Access and Compliance (MAC).—The conference agreement includes a total of $17,340,000, of which not less than $3,000,000 is for the Trade Compliance Center (TCC) and $14,340,000 is for the base MAC program. This amount provides an $875,000 increase for the base MAC program over the fiscal year 1997 level exclusive of assessments in MAC for Executive Direction and Administration functions. The conferees expect the full $3,000,000 to be made available to the TCC and do not expect such funds to be diverted to directly or indirectly support other MAC activities. The conferees warn the ITA that should such diversion occur, the conferees are prepared to separate out the TCC into a separate ITA appropriation in fiscal year 1999.

Import Administration.—The conference agreement provides $28,770,000 for the Import Administration, an increase of $1,242,000 over the fiscal year 1997 funding level exclusive of assessments for Executive Direction and Administration functions.

U.S. and Foreign Commercial Service (U.S. & FCS).—The conference agreement includes $171,070,000 for the programs of the U.S. & FCS, an increase of $7,821,000 over the fiscal year 1997 funding level exclusive of assessments for Executive Direction and Administration functions. Within these amounts, the conferees have included $1,000,000 to be used in accordance with the direction in the House report regarding the Rural Export Initiative and an initiative utilizing electronic commerce to assist small businesses increase export opportunities.

Unfair Trade Practices.—The conferees are concerned that relief provided against unfair trade practices is ineffective where foreign producers sell through related party importers in the United States and continue their unfair trade practices. Accordingly, the conferees expect the Import Administration to provide the House and Senate Appropriations Committees, within sixty days of enactment of this Act, a report identifying the statutory and administrative changes necessary to resolve this issue once an antidumping or countervailing duty order is established.

Trade Missions.—The conferees concur in the recommendations of the House report regarding the establishment and enforcement of a transparent trade mission policy, as well as the concerns over the fragmentation of trade policy and promotion activities. Therefore, the conferees expect the Department to follow the direction included in the House report regarding these matters.

Security Upgrades.—The conferees expect the ITA to comply with the direction included in the House report regarding the expenditure of funds provided in fiscal year 1997 for security upgrades at ITA facilities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $43,900,000 for the Bureau of Export Administration (BXA), instead of $41,000,000 as proposed in the House bill, and $43,126,000 as proposed in the Senate bill. The conference agreement provides increases over the fiscal year 1997 regular appropriation for the following activities: (1) $3,900,000 to continue the counterterrorism activities provided for through emergency appropriations in fiscal year 1997; (2) $926,000 for new export control responsibilities transferred from the Department of State in fiscal year 1997; and (3) $1,174,000 for BXA to begin activities related to its responsibilities under the Chemical Weapons Convention (CWC) Treaty. The conferees have not provided the full amount requested for the CWC Treaty due to the delays in the enactment of the necessary implementing legislation. Should additional resources be required, the Committees would be willing to entertain a reprogramming to meet the additional requirements.

In addition, the conference agreement provides $1,900,000 to reimburse the Department of Defense's On-Site Inspection Agency (OSIA) for inspection support to teams of international inspectors at commercial facilities for CWC Treaty implementation, instead of $3,500,000 requested in the budget amendment submitted August 12, 1997, due to reduced requirements as a result of the delay in enactment of implementing legislation.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $340,000,000 for the Economic Development Administration grant programs as proposed in the House bill, instead of $250,000,000 as proposed in the Senate bill.

Of the amounts provided, $178,000,000 is for the Title I Public Works program, $29,900,000 is for Title IX Economic Adjustment Assistance, $89,000,000 is for Defense Conversion, $24,000,000 is for planning, $9,100,000 is for technical assistance, including university centers, $9,500,000 is for trade adjustment assistance, and $500,000 is for research. The conferees expect EDA to follow the direction in the House report regarding assistance to communities impacted by coal industry downswings and timber industry downturns.

SALARIES AND EXPENSES

The conference agreement includes $21,028,000 for salaries and expenses for the EDA, instead of $21,000,000 as proposed in the House bill, and $22,028,000 included in the Senate bill. The conference agreement assumes EDA will use either the Salaries and Expenses appropriation or the revolving fund (under 42 U.S.C. 3143) to pay the salaries and expenses related to protection of loan collateral and grant property.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $25,000,000 for the programs of the Minority Business Development Agency (MBDA), as proposed in the House bill, instead of $27,811,000 included in the Senate bill. The conferees direct that reductions from the current levels be allocated proportionately between program administration and program delivery (e.g. Business Development Centers).

The conference agreement assumes that MBDA will continue its support for the Entrepreneurial Technology Apprenticeship Program at the current level, as directed in the House report, and will follow the direction in the Senate report regarding Black Dollar Days.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conferees have provided $47,499,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account, instead of $46,000,000 as proposed in the House bill and $47,917,000 included in the Senate bill. The conference agreement adopts the directive included in the House report regarding the Integrated Environmental-Economic Accounting or ''Green GDP'' initiative.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The conference agreement includes language allowing the dissemination of economic and statistical data products at full cost as proposed in both the House and Senate bills.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

The conference agreement includes $137,278,000 for the Bureau of the Census Salaries and Expenses account, instead of $136,499,000 as proposed in the House bill and $138,056,000 as proposed in the Senate bill.

The conferees expect the Bureau to be fully reimbursed for any survey requested by any other Federal agency or private organization. In addition, the conferees expect the Office of Management and Budget and the Bureau of the Census to take the necessary appropriate actions to resolve the concerns expressed in the Senate report regarding metropolitan statistical areas.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement provides $555,813,000 for the Census Bureau's Periodic Censuses and Programs account, instead of $550,126,000 as proposed in the House bill, $520,726,000 as recommended in the Senate bill, and $523,126,000 as requested in the budget.

Decennial Census.—The recommendation includes $389,887,000 as a separate appropriation under this account for fiscal year 1998 for decennial census programs, an increase of $8,087,000 above the House bill, and $35,087,000 above the Senate bill and the budget request. The increase above the request has been provided as follows: $27,000,000 for the Census Bureau to plan and develop a contingency plan in the event sampling is not used in the 2000 decennial census; $4,087,000 for modifications to the dress rehearsal; and $4,000,000 to be transferred to the Census Monitoring Board, authorized in section 210 of this Act.

Other Periodic Programs.—The conferees have included the following amounts for non-decennial census periodic programs:

Economic Censuses	$63,700,000
Census of governments	2,836,000
Intercensal Demographic estimates	5,200,000
Continuous measurement	16,600,000
Sample redesign	3,800,000
CASIC	6,000,000
Geographic support	43,000,000
Data processing systems	24,790,000
Total	165,926,000

Continuous Measurement.—The conferees share the concerns expressed in both the House and Senate reports about this program, and direct the Bureau to comply with the direction included in both reports regarding this program.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $16,550,000 for the National Telecommunications and Information Administration (NTIA) salaries and expenses, instead of $17,100,000 as proposed in the House bill, and $16,574,000 as proposed in the Senate bill. In addition, the conference agreement assumes that NTIA will receive an additional $7,500,000 through reimbursements from other agencies for the costs of providing spectrum management, analysis and research services to those agencies.

The conference agreement includes $1,750,000 for NTIA's portion of the second year costs associated with the International Telecommunications Union plenipotentiary conference, and $148,000 for the requested privacy initiative.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $21,000,000 for the Public Telecommunications Facilities, Planning and Construction (PTFP) program, instead of $16,750,000 as proposed in the House bill, and $25,000,000 as proposed in the Senate bill. The conferees intend for this funding to be used for the existing equipment and facilities replacement program. The conference agreement allows up to $1,500,000 of this amount to be used for program administration, as provided in both the House and Senate bills. The conference agreement also includes a new provision as proposed in the Senate bill, making the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) program eligible to compete for funding under this account.

In addition, the conference agreement renames the title of this account to the Public Telecommunications Facilities, Planning and Construction program, instead of the Public Broadcasting Facilities, Planning and Construction program.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes $20,000,000 for NTIA's Information Infrastructure Grant program, instead of $21,490,000 as recommended in the House and Senate bills.

The conferees note that the Senate bill increased funds for this account through an across-the-board reduction in other accounts in this title, reductions which are not adopted in the conference agreement. In addition, the conferees note that the recent actions by the Federal Communications Commission to implement the universal service fund requirements of the Telecommunications Act of 1996 should reduce the funding requirements under this account. Consequently, the conference agreement slightly reduces funding for this account.

As proposed in the House bill, within the amount provided, the conference agreement designates $3,000,000 for program administration and allows not to exceed five percent of the total amount provided to be used for certain telecommunications research activities. The Senate bill did not address these matters.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement provides a total funding level of $716,000,000 for the Patent and Trademark Office (PTO) in fiscal year 1998, instead of $704,000,000 as proposed in the House bill, $683,320,000 as recommended in the Senate bill, and $656,320,000 requested in the budget. The conference agreement assumes a total of $664,000,000 to be derived in offsetting fee collections, $27,000,000 in direct appropriations, and $25,000,000 in carryover of prior year funds. Under the conference agreement, total funds available to the PTO are increased by $59,680,000 over the budget request, $32,680,000 over the Senate bill, and $12,000,000 over the House bill.

The conference agreement eliminates the cap on fees available to the PTO contained in the Senate bill. Under the Senate bill, fees collected in excess of $629,320,000 would have returned to the Treasury rather than being retained by the PTO, resulting in a $34,680,000 loss to the PTO. Instead, the conference agreement includes new language allowing all fees collected by the PTO to remain with the PTO to support its activities, and making the full amount of fiscal year 1998 estimated fee collections available to the PTO in fiscal year 1998. Fees collected in excess of the PTO's current estimate of collections will remain with PTO and be available to the PTO on October 1, 1998. Such language is consistent with the language included in all other fee-funded agencies in this bill, and ensures that all fee revenues collected remain with the agency while ensuring appropriate oversight of PTO's budget to ensure that such funds are used by the PTO in a manner which best serves the needs of the user community.

The conferees are aware that the Office of the Inspector General has issued an audit report concluding that the PTO is not maintaining adequate controls over the quality of patent examinations. The OIG recommends restoring funds to the Office of Patent Quality Review, which has been severely weakened by budget decisions by the PTO, so that the Office can continue their independent assessments of patent quality as they have in the past. Since public confidence in the quality of issued patents is essential to maintaining the integrity of the patent system, the conferees fully expect the PTO to comply with the OIG's recommendation and restore the Office to full strength, and to report back to the Committees on this matter not later than December 15, 1997.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement includes $8,500,000 for the Technology Administration (TA), as proposed in the House bill, instead of $8,800,000 as proposed in the Senate bill. Of this amount, $1,600,000 is for the Experimental Program to Stimulate Competitive Technology (EPSCoT), and bill language is included making these funds available for two years as recommended in the House bill. In addition, the conference agreement adopts the recommendations in both the House and Senate reports denying funds for any new foreign policy initiatives. However, the conference agreement assumes the TA will continue existing agreements at no more than the current level of support, but the conferees direct the Technology Administration not to enter into any new international technology agreements, expand any existing agreements, or extend any expiring agreements. The conferees would be willing to permit the TA to provide technical assistance to other agencies, more appropriately involved in foreign assistance programs, for such agreements, provided TA is fully reimbursed from funds from other Federal sources outside the Department of Commerce's budget.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $276,852,000 for the internal (core) research account of the National Institute of Standards and Technology as proposed in the Senate and House bills.

The conference agreement provides $268,052,000 for the core research programs within NIST, the same amount provided in fiscal year 1997, in accordance with the distribution in the fiscal year 1997 conference report. Such distribution should be used as a basis for reprogramming of funds for activities provided in this account. In addition, the conferees concur with the recommendation included in the Senate report regarding funding for the Malcolm Baldrige Award, and thus have provided no funds for expansion of this program to other areas in fiscal year 1998, as such expansion would result in reductions in core NIST activities.

Further, in light of recent wind related disasters in the southwest United States which have resulted in significant loss of life and property, the conference agreement includes $3,800,000 in the bill for research to be conducted at Texas Tech University on protective structures and other technologies which are designed to save lives threatened by tornadoes and severe wind storms. Texas Tech is uniquely positioned to conduct this research because of its nationally recognized interdisciplinary wind engineering program and its location in a region which has experienced repeated wind disasters. In addition, the conference agreement also includes $5,000,000 for a cooperative agreement with Montana State University for research on building products, processes and technologies which utilize underused natural resources and environmentally sound technologies. The conferees direct that funds provided for these two activities shall not be used for the design or construction of facilities.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $306,000,000 for the NIST external research account instead of $298,600,000 as proposed in the House bill and $311,040,000 as proposed in the Senate bill.

Manufacturing Extension Partnership Program.—The conference agreement includes $113,500,000 for the Manufacturing Extension Partnership Program (MEP) as proposed in the House bill, instead of $111,040,000 as proposed in the Senate bill. Of these amounts, $103,000,000 is for continued support for all existing Regional Centers, including the rollover costs of the remaining Centers originally funded under the Defense Department's Technology Reinvestment Program, as well as those Centers which have reached their statutory six-year time limit; $2,000,000 is for continuation of the existing SBDC-manufacturing field offices; and $8,500,000 is for management and administration. The conference agreement does not include any funds for special projects related to supply chain optimization, information technology, and technology infusion. While these projects are worthwhile, the conferees are concerned that these programs are not required to meet the same requirements as the Regional Centers program, including cost share requirements. Given that many of these projects are targeted to selected industry sectors and problems, the conferees expect that MEP Centers should be able to obtain the funds for these purposes from local, State, or private-sector sources.

The conference agreement also contains language, included in the Senate bill, that extends for one year NIST's support for the Regional Centers beyond the statutory six-year period, subject to certain conditions. The House bill contained no extension. The conferees note that this program, as well as other NIST programs, have remained unauthorized for a number of years. The House most recently passed NIST authorization legislation (H.R.1274) earlier this year which would waive the statutory sunset on manufacturing centers. The Senate has not passed a companion bill. The conferees had hoped that an authorization bill would be enacted prior to fiscal year 1998, obviating the need to address this issue in the appropriations bill. As stated in the fiscal year 1997 conference report, the conferees continue to believe this issue is best addressed through the authorization process. Therefore, while the conferees have included a one-year waiver of the sunset requirement to bridge the gap until a NIST authorization is enacted, the conferees fully expect enactment of appropriate authorization legislation prior to fiscal year 1999, and thus do not plan to continue waiving such sunset requirements through the appropriations process. In addition, the conferees direct the Secretary of Commerce to review this program and provide recommendations to the Committees for assisting the Regional Centers to become self-supporting after their sixth year of operation, and expect a report from the Secretary to be submitted with the fiscal year 1999 budget submission.

Advanced Technology Program.—The conference agreement includes $192,500,000 for the Advanced Technology Program (ATP), instead of $185,100,000 as proposed in the House bill and $200,000,000 as proposed in the Senate bill. The recommendation provides the following distribution for fiscal year 1998 funds: (1) $68,000,000 for continuation of prior year awards made using funds provided in fiscal years 1996 and 1997; (2) $82,000,000 for new awards in fiscal year 1998; and (3) $42,500,000 for administration, internal NIST lab support and Small Business Innovation Research requirements. In addition, language is included in the bill designating the amounts available for new ATP awards, similar to language included in the House bill.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides $95,000,000 for construction, renovation and maintenance of NIST facilities, instead of $111,092,000 as proposed in the House bill, and $16,000,000 included in the Senate bill.

The conferees concur in the direction included in the House report regarding the development of a long-term facilities plan for

NIST which includes maintenance, rehabilitation and new construction requirements, and have included bill language making $78,308,000 of the funds provided in this account available upon submission of a spending plan which corresponds to NIST's long-term facilities plan.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement provides a total funding of $2,002,139,000 for all programs of the National Oceanic and Atmospheric Administration (NOAA), instead of $1,850,392,000 as proposed by the House, and $2,101,555,000 as proposed by the Senate. Of these amounts, the conferees have included $1,512,050,000 in the Operations, Research, and Facilities (ORF) account, $491,609,000 in the new Procurement, Acquisition and Construction (PAC) account, and $1,480,000 in other NOAA accounts.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes $1,512,050,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration instead of $1,391,400,000 as proposed by the House and $1,999,052,000 as proposed in the Senate bill. In addition, the conference agreement allows $3,000,000 in offsetting fees related to the aeronautical charting program to be collected to offset this amount, resulting in a final direct appropriation of $1,509,050,000 instead of $1,388,400,000 as proposed by the House and $1,996,052,000 as proposed in the Senate bill.

The conference agreement reflects significant changes in the account structure for NOAA, through the creation of a new separate account for procurement, acquisition, and construction activities. Activities, including systems acquisition and new construction, which previously had been funded within the NOAA Operations, Research, Facilities (ORF) account are now provided for in a new account under the heading ''Procurement, Acquisition and Construction.'' In addition, non-capital acquisition activities previously provided for in the NOAA ''Construction'' and ''Fleet Modernization, Shipbuilding, and Conversion'' accounts have been provided for within the ORF account, as proposed. Language is included in the bill, as requested, to make the necessary technical changes to reflect the establishment of this new account. While the conferees have adopted this new budget structure, the conferees do not intend to impede the agency's ability to meet its operational and programmatic requirements through transfers between the ORF and PAC accounts. The PAC account is intended to assist the agency and Congress in evaluating NOAA's long-term needs for systems and facilities acquisition in a timely and cost-effective manner.

In addition to the new budget authority provided, the conference agreement allows a transfer of $62,381,000 from balances in the account titled ''Promote and Develop Fishery Products and Research Related to American Fisheries,'' as proposed in the Senate bill, instead of $63,881,000 as proposed by the House. This amount is equal to the budget request, and will support a $4,000,000 Saltonstall-Kennedy grant program, in addition to $2,000,000 in carryover available in the grant program from fiscal year 1997. The total amount provided also includes a transfer of $5,200,000 from the Damage Assessment Revolving Fund, as included in the budget request. In addition, the conference agreement assumes NOAA will use $1,700,000 from the Federal Ship Financing Fund to cover administrative expenses related to that account, and reflects prior year deobligations and carryover funding totaling $24,000,000.

The conference agreement does not include language proposed in the House bill designating the amounts provided under this account for the six NOAA line offices. The Senate bill contained no similar provision. The conference agreement adopts the direction included in the House report regarding the development of a revised budget structure for NOAA in consultation with the House and Senate Appropriations Committees, as well as the direction included in both the House and Senate reports concerning financial and budgetary management deficiencies at NOAA.

NOAA Commissioned Corps.—The conference agreement includes language setting the ceiling on the number of commissioned corps officers in fiscal year 1998 at not more than 283 by September 30, 1998, instead of a ceiling of 270 officers as included in the House bill, and 299 as included in the Senate bill.

Unless specifically stated otherwise in this Statement of the Committee of the Conference, directions included, and amounts expended, from the NOAA Operations, Research and Facilities account are to be allocated in accordance with the recommendations previously described in the Committee reports of the House and Senate.

The following table reflects the distribution of the funds provided in this conference agreement:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1998

[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
NATIONAL OCEAN SERVICE					
Navigation Services:					
Mapping and Charting	32,000	30,100	30,100	30,100	30,100
Address Survey Backlog	6,000	6,000	13,900	6,000	13,900
Subtotal	38,000	36,100	44,000	36,100	44,000
Geodesy	20,167	19,159	21,100	19,659	20,700
Tide and Current Data	12,500	11,000	11,350	11,300	11,350
Acquisition of Data	18,200	14,546	14,500	16,046	14,546
Total, Navigation Services	88,867	80,805	90,950	83,105	90,596
Ocean Resources Conservation Assessment:					
Esturaine and Coastal Assessment	2,674	2,674	2,674	2,674	2,674
Ocean Assessment Program	27,300	28,425	28,600	35,375	35,300
Damage Assessment	2,200	3,000	3,000	3,000	3,000
Transfer from Damage Assessment Fund	5,276	6,700	6,700	6,700	6,700
Oil Pollution Act of 1990	1,000	1,000	1,000	1,000	1,000
Ocean Services	2,500	2,800	2,500	2,800	2,500
Oceanic and Coastal Research	.....	.....	.....	7,910	7,910
Subtotal	40,950	44,599	44,474	59,459	59,084
Coastal Ocean Program	15,200	15,200	17,200	15,200	17,200
Total, ORCA	56,150	59,799	61,674	74,659	76,284
Ocean and Coastal Management:					
Coastal Management:					
CZM Grants	46,200	65,732	55,000	49,732	49,700
Estuarine Research Reserve System	1,300	4,300	1,000	12,900	5,650
Nonpoint Pollution Control	.....	1,000	1,000	.....	1,000
Program Administration	.....	.....	.....	.....	4,500
Subtotal	47,500	71,032	57,000	62,632	60,850
Marine Sanctuary Program	11,685	13,200	14,000	14,500	14,000
Total, Ocean & Coastal Management	59,185	84,232	71,000	77,132	74,850
Total, Nos	204,202	224,836	223,624	234,896	241,730
NATIONAL MARINE FISHERIES SERVICE					
Information Collection and Analysis:					
Resource Information	91,330	92,992	88,344	99,947	99,300
Antarctic Research	1,200	1,200	1,200	1,200	1,200
Chesapeake Bay Studies	1,890	1,500	1,890	1,890	1,890
Right Whale Research	250	200	250	1,000	400
MARFIN	3,000	3,000	3,000	5,000	3,500
SEAMAP	1,200	1,200	1,200	1,200	1,200
Alaskan Groundfish Surveys	661	661	661	961	950
Bering Sea Pollock Research	945	945	945	945	945
West Coast groundfish	780	780	780	780	780
New England Stock Depletion	1,000	1,000	1,000	1,000	1,000
Hawaii Stock Management Plan	500	.....	500	500	500
Yukon River Chinook Salmon	700	700	700	700	700
Atlantic Salmon Research	710	710	710	960	710

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1998—Continued

[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
Gulf of Maine Groundfish Survey	567	567	565	567	567
Dolphin/Yellowfin Tuna Research	250	250	250	250	250
Habitat Research/Evaluation	450	450	450	450	450
Pacific Salmon Treaty Program	5,587	5,587	5,587	5,587	5,587
Fisheries Cooperative Institute	410	410	410		
Hawaiian Monk Seals	500	500	500	500	550
Steller Sea Lion Recovery Plan	1,770	1,440	1,440	2,770	2,770
Hawaiian Sea Turtles	248	248	243	248	248
Bluefish/Striped Bass	785		800		800
Halibut/Sablefish	1,200	1,200	1,200	1,500	1,200
Gulf of Mexico Mariculture	300				
Summer Flounder				250	
Subtotal	116,233	115,540	112,625	128,255	125,497
Fishery Industry Information:					
Fish Statistics	13,000	13,400	13,000	13,400	13,000
Alaska Groundfish Monitoring	5,200	5,200	5,200	5,500	5,500
PACFIN/Catch Effort Data	3,000	3,000	4,700	4,700	4,700
Recreational Fishery Harvest Monitoring	3,400	3,100	3,900	5,000	3,900
Subtotal	24,600	24,700	26,800	28,600	27,100
Information Analyses and Dissemination	20,900	21,200	20,900	21,200	20,900
Computer Hardware and Software	4,000	4,000	4,000	4,000	4,000
Subtotal	24,900	25,200	24,900	25,200	24,900
Acquisition of Data	26,840	25,098	26,800	25,098	25,098
Total, Information Collection and Analysis	192,573	190,538	191,125	207,153	202,595
Conservation and Management Operations:					
Fisheries Management Programs	22,000	29,300	24,500	30,000	27,250
Columbia River Hatcheries	10,955	10,300	10,300	10,955	12,055
Columbia River Endangered Species	288	288	288	288	288
Regional Councils	10,200	11,700	11,700	13,000	11,900
International Fisheries Commissions	950	400	400	400	400
Management of George's Bank	478	478	461	478	478
Beluga Whale Committee	200	200	200	200	200
Pacific Tuna Management	1,900	1,500	1,000	1,900	2,300
Chinook Salmon Management				1,884	
Subtotal	46,971	54,166	48,849	59,105	54,871
Protected Species Management	5,700	6,750	5,700	7,950	6,200
Driftnet Act Implementation	3,278	3,278	3,278	3,278	3,278
Marine Mammal Protection Act	9,125	9,500	9,500	9,500	9,500
Endangered Species Act Recovery Plan	13,500	20,200	15,500	20,200	20,200
Fishery Observer Training	417		417	417	417
East Coast Observers	350	350	350	350	350
Subtotal	32,370	40,078	34,745	41,695	39,945
Habitat Conservation	8,000	9,800	8,000	9,800	8,500
Enforcement & Surveillance	16,500	18,200	17,000	18,200	17,600
Total, Conservation, Management & Operations	103,841	122,244	108,594	128,800	120,916
State and Industry Assistance Programs:					
Interjurisdictional Fisheries Grants	2,600	2,600	2,600	3,500	2,600
Anadromous Grants	2,108	2,108	2,100	3,000	2,100
Anadromous Fishery Project		250		250	
Interstate Fish Commission	5,000	4,000	6,000	8,000	6,750
Subtotal	9,708	8,958	10,700	14,750	11,450
Fisheries Development Program:					
Product quality and safety/Seafood Inspect	14,624	14,624	14,624	12,674	10,524
Hawaiian Fisheries Development	750			750	750
Marine Biotechnology	1,900	1,900	1,900		
Salmon license buy-back				3,500	
Washington crab license buy-back				8,500	
Subtotal	17,274	16,524	16,524	25,424	11,274
Total, State and Industry Programs	26,982	25,482	27,224	40,174	22,724
Total, NMFS	323,396	338,264	326,943	376,127	346,235
OCEANIC AND ATMOSPHERIC RESEARCH					
Climate and Air Quality Research:					
Interannual & Seasonal	8,000	12,900	12,900	12,900	12,900
Climate & Global Change Research	60,000	62,000	57,100	60,000	60,000
GLOBE	6,000	7,000			5,000
Subtotal	74,000	81,900	70,000	72,900	77,900
Long-term Climate & Air Quality Research	28,372	29,402	28,300	29,402	29,402
High Performance Computing	7,500	7,500	6,500	7,500	7,500
Subtotal	35,872	36,902	34,800	36,902	36,902
Total, Climate and Air Quality Research	109,872	118,802	104,800	109,802	114,802
Atmospheric Programs:					
Weather Research	33,613	33,613	33,613	37,413	37,413
Wind Profiler	4,350	4,350	4,350	4,350	4,350
Subtotal	37,963	37,963	37,963	41,763	41,763
Solar/Geomagnetic Research	5,493	5,493	5,700	5,493	5,700
Total, Atmospheric Programs	43,456	43,456	43,663	47,256	47,463
Ocean and Great Lakes Programs:					
Marine Research Prediction	15,651	12,126	14,000	14,126	22,976
GLERL	5,200	5,200	5,200	6,000	6,000
GLERL/zebra mussel				2,000	
Lake Champlain study				300	

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1998—Continued

[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
Tsunami hazard mitigation				2,300	
Subtotal	20,851	17,326	19,200	24,726	28,976
Sea Grant:					
Sea Grant college program	54,300	50,182	55,300	58,000	56,000
Oyster Disease				1,480	
Subtotal	54,300	50,182	55,300	59,480	56,000
National Undersea Research Program	12,000	5,400		15,000	15,500
Total, Ocean and Great Lakes Program	87,151	72,908	74,500	99,206	100,476
Acquisition of Data	12,690	12,884	14,500	15,384	15,000
Total, OAR	253,169	248,050	237,463	271,648	277,741
NATIONAL WEATHER SERVICE					
Operations and Research:					
Local Warnings and Forecasts	298,538	308,000	313,800	329,820	324,000
MARDI	91,462	73,674	73,674	73,674	73,674
Radiosonde Replacement	1,500	910		910	910
Susquehanna River Basin flood system	1,000	619	1,120	1,000	1,120
Aviation forecasts	35,596	35,596	35,596	35,596	35,596
Regional Climate Centers	2,000		2,000		
Subtotal	430,096	418,799	426,190	441,000	435,300
Central Forecast Guidance	28,700	29,543	29,543	29,543	29,543
Atmospheric and Hydrological Research	2,000	2,489	2,489	2,489	2,489
Total, Operations and Research	460,796	450,831	458,222	473,032	467,332
Systems Acquisition:					
Public Warnings and Forecast Systems:					
NEXRAD	53,145	39,591	39,591	39,591	39,591
ASOS	10,056	5,341	5,341	5,341	5,341
AWIPS/NOAA Port	100,000				
Computer Facilities Upgrades	14,000	8,000	8,000	8,000	8,000
Total, Systems Acquisition	177,201	52,932	52,932	52,932	52,932
Total, NWS	637,997	503,763	511,154	525,964	520,264
NAT'L ENVIRO SAT DATA INFO SERVICE					
Satellite Observing Systems:					
Polar Spacecraft Launching	147,300				
Polar Convergence/IPO	29,000	51,503	15,000	51,503	34,000
Geostationary Spacecraft and Launching	171,480				
Ocean Remote Sensing	4,000	3,800	1,000	5,000	4,000
Environmental Observing Systems	51,000	50,347	50,000	50,347	50,347
Total, Satellite Observing Systems	402,780	105,650	66,000	106,850	88,347
Environmental Data Management Systems	30,002	27,500	27,500	27,500	27,500
Data and Information Services	14,800	16,335	16,335	16,335	16,335
Regional Climate Centers				3,000	2,500
Total, EDMS	44,802	43,835	43,835	46,835	46,335
Total, NESDIS	447,582	149,485	109,835	153,685	134,682
PROGRAM SUPPORT					
Administration and Services:					
Executive Direction and Administration	19,000	19,911	14,200	19,986	19,200
Systems Acquisition Office	1,497	1,497	1,418	1,422	1,420
Subtotal	20,697	21,408	15,618	21,408	20,620
Central Administrative Support	33,000	31,850	31,850	31,850	31,850
Retired Pay Commissioned Officers	8,000	14,000	9,000	8,000	8,000
Total, Administration and Services	61,697	67,258	56,468	61,258	60,470
Aircraft Services	10,000	9,900	9,900	10,400	10,400
Rent Savings		(4,656)	(4,656)	(4,656)	(4,656)
Total, Program Support	71,697	72,502	61,712	67,002	66,214
Fleet Planning and Maintenance	8,000	11,823	2,500	15,823	13,500
Facilities:					
NOAA Facilities Maintenance	2,000	4,488	2,000	1,800	1,800
Sandy Hook Lease	1,750	2,000	2,000	1,750	2,000
Environmental Compliance	2,000	3,700	2,000	2,000	2,000
WFO Maintenance	1,000	2,950	2,950		1,000
Columbia River Facilities	4,700	4,465	3,000	4,465	4,465
Total, Facilities	11,450	17,603	11,950	10,015	11,265
Direct Obligations	1,957,493	1,566,326	1,485,181	1,655,160	1,611,631
Reimbursable Obligations	313,515	317,015	317,015	317,015	317,015
New Offsetting Collections (data sales)	1,200	2,400	2,400	2,400	2,400
Anticipated Offsetting Collections (aerocharts)	3,000	3,000	3,000	3,000	3,000
Subtotal, Reimbursables	317,715	322,415	322,415	322,415	322,415
Total Obligations	2,275,208	1,888,741	1,807,596	1,977,575	1,934,046
Financing:					
Deobligations	(14,000)	(24,000)	(24,000)	(24,000)	(24,000)
Unobligated Balance transferred, net		(1,500)	(2,000)	(1,500)	(1,500)
Federal Ship Financing Fund	(1,700)		(1,700)		(1,700)
Coastal Zone Management Fund					(7,800)
New Offsetting Collections (data sales)	(1,200)	(2,400)	(2,400)	(2,400)	(2,400)
Anticipated Offsetting Collections (aerocharts)	(3,000)	(3,000)	(3,000)	(3,000)	(3,000)
Federal Funds	(282,500)	(172,000)	(172,000)	(172,000)	(172,000)
Non-federal Funds	(31,015)	(145,015)	(145,015)	(145,015)	(145,015)
Subtotal, Financing	(333,415)	(347,915)	(350,115)	(347,915)	(357,415)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1998—Continued

[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
Budget Authority	1,941,793	1,540,826	1,457,481	1,629,660	1,576,631
Financing from:					
Promote and Develop American Fisheries	(66,000)	(62,381)	(63,881)	(62,381)	(62,381)
Damage Assess. & Restor. Revolving Fund	(5,276)	(5,200)	(5,200)	(5,200)	(5,200)
Appropriation, ORF	1,870,517	1,473,245	1,388,400	1,562,079	1,509,050

The following narrative provides additional information related to certain items included in the preceding table.

NATIONAL OCEAN SERVICE

The conferees have provided a total of $241,730,000 under this account for the activities of the National Ocean Service, instead of $223,624,000 as recommended by the House, and $234,896,000 recommended by the Senate.

Mapping and Charting.—The conference agreement provides $44,000,000 for NOAA's mapping and charting programs, reflecting the conferee's continued commitment to the navigation safety programs of the NOS, and their concerns for the ability of the NOS to continue to meet its mission requirements over the long term. The conferees remain concerned that NOAA has not taken sufficient steps to plan for its long term mission requirements, given that overall fiscal constraints will likely preclude major investments to replace NOAA hydrographic vessels. It is clear that the future of NOAA's hydrographic program lies in increased outsourcing to meet its nautical charting needs. While the conferees understand the need for NOAA to ensure the quality, standards and specifications for nautical charts, the conferees are concerned that NOAA has not taken vigorous steps to make this transition to outsourcing as an alternative method of meeting its needs.

Therefore, the conference agreement includes $13,900,000 as provided in the House bill under the line item Address Survey Backlog/Contracts exclusively for contracting out with the private sector for data acquisition needs. Further, the conferees believe that the purchase of equipment for the NOAA vessel RAINER will enable NOAA to reduce the costs, including liability insurance costs, associated with contracting with private sector contractors using such equipment. Further, the conferees direct that NOAA provide a satisfactory long-term plan to the House and Senate Appropriations Committees and the House Resources and Senate Commerce, Science, and Transportation Committees, no later than February 1, 1998, to meet the Nation's nautical charting needs. Such plan shall include, at a minimum, the following: (1) NOAA's short and long-term plans for utilization of its existing hydrographic fleet, including the time line for decommissioning these vessels; (2) mechanisms and alternatives for NOAA to maintain a core set of capabilities for appropriate oversight, technical guidance, standards development and specifications for ensuring data quality; and (3) a plan to acquire not less than 50% of its hydrographic services through private contract or long-term leases by fiscal year 1999. The conferees expect NOAA to work with all interested parties in developing this plan.

Tide and Current Data.—The conference agreement includes $11,350,000 for this activity in accordance with the direction included in the House report. The conferees do not anticipate, and will not consider, future requests for any operational assistance for any PORTS systems. Further, the conferees expect NOAA to submit the necessary legislation to the Congress that would ensure non-Federal support for the operation and maintenance of such systems.

Ocean Assessment Program.—The conference agreement includes $35,300,000 for this activity. Within the amounts provided for ocean assessment, the conference agreement includes the following: $13,800,000 for NOAA's Coastal Services Center, of which $300,000 is available for a one-time grant for implementation of the Charleston Harbor project as detailed in the Senate report; $5,900,000 to continue the Cooperative Institute for Coastal and Estuarine Environmental Technology; $1,000,000 to support coral reef studies in the Pacific and Southeast as described in the Senate report; $1,000,000 to provide support for the Commission on Ocean Policy, a commission which will examine both Federal and non-Federal ocean and coastal activities, and report to the Congress and the President, and $1,000,000 for pfiesteria monitoring and assessment activities. In addition, the conference agreement also includes an additional $2,500,000 increase above the fiscal year 1997 level under Ocean and Coastal Research and the Coastal Ocean Program for research on pfiesteria and other harmful algal blooms.

Ocean and Coastal Research.—The conference agreement includes $7,910,000 for the National Ocean Service laboratory at Charleston, and has provided this funding under a new line item entitled ''Ocean and Coastal Research''. This funding includes $1,500,000 for pfiesteria and toxicology research, and fisheries forensics and law enforcement. The conferees agree to transfer management and operation of the Charleston laboratory from NMFS to the National Ocean Service as proposed by the Senate. The conferees understand that NOAA has proposed further realignments of research facilities from other parts of NOAA to the National Ocean Service as part of a reorganization to emphasize coastal and ocean programs. The conferees would be willing to consider such changes upon submission of a reprogramming, and remind NOAA that all reorganizations are subject to the requirements of section 605 of this Act. Further, the conferees direct that the study required by the House report concerning collaborative research between NOAA and the U.S. Geological Survey be submitted to the Committees by March 15, 1998.

Coastal Ocean Program.—The conference agreement provides $17,200,000 for the Coastal Ocean Program, of which $3,000,000 is for ECOHAB, particularly research related to pfiesteria. The conference agreement adopts the recommendation included in the House report regarding efforts to respond to the algae bloom in the Peconic, Moriches and adjacent Long Island waters as well as expanding the geographic scope of studies on the ecology and oceanography of harmful algal blooms. Further, the conferees recommend funding at the fiscal year 1997 level for restoration of the South Florida ecosystem.

Coastal Zone Management Program.—For the CZM State grants program, the conferees have provided $49,700,000, a $3,500,000 increase over the fiscal year 1997 level to enable the addition of two new States into the program in fiscal year 1998. The conference agreement provides $5,650,000 for the National Estuarine Research Reserve (NERRS) program. The conferees intend these funds be used to support the existing NERRS program, as assumed in the House bill. Of the amounts provided, $2,350,000 is provided from direct appropriations and $3,300,000 is derived from the Coastal Zone Management Fund (CZMF). In addition, $4,500,000 is provided for program administration to be derived from the CZMF. The conference agreement includes funds available from the CZMF in the table under Coastal Management to provide greater clarity regarding the resources provided for these programs.

The conferees encourage the coastal managers in the State of New Jersey to purchase and place oyster cultch in the Delaware Bay to maintain oyster production and to retain oyster reef habitat quality.

Marine Sanctuary Program.—The conference agreement includes $14,000,000 for the National Marine Sanctuary Program. The conferees understand that the NOAA and the National Research Council are currently developing a study on the role of marine sanctuaries in marine resource conservation, as well as the usefulness of marine reserves, including their impacts on water quality and the abundance of living marine resources; and therefore, the conferees expect that a portion of the increase for the Marine Sanctuary Program will be used for this study.

Other.—Within the amounts provided for geodesy, the conference agreement includes $500,000 for continuation of geodetic survey work as described in the Senate report, and $1,000,000 for the National Height Modernization Study as described in the House report with the results of this study to be provided to the Committees no later than June 1, 1998.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of $346,235,000 for the National Marine Fisheries Service, instead of $326,943,000 recommended by the House and $376,127,000 recommended by the Senate.

Resource Information.—The conference agreement provides $99,300,000 for fisheries resource information. Within the funds provided for resource information, the conference agreement adopts the recommendation included in the Senate report with respect to MARMAP. The conference agreement also includes $1,500,000 under this line item for the Gulf of Mexico Consortium included in the Senate report, while funding for the Hawaii stock enhancement project is provided for elsewhere in this account. In addition, $900,000 is for a one-time study of potential new fisheries in the Chuckchi Sea by the Bering Sea Fishermen's Association, $400,000 is for an assessment of Atlantic herring and mackerel, $5,000,000 is for continuation of the aquatic resources environmental initiative, and $250,000 is for a one-time study by the National Academy of Sciences of summer flounder. Also included is $3,800,000 for a study on the effect of intentional encirclement on dolphins and dolphin stocks in the eastern tropical Pacific Ocean purse seine fishery.

In addition, the conferees concur in the House and Senate direction regarding the accuracy and effectiveness of data collection efforts by NMFS. Within the total amount provided for Resource Information, the conferees have provided $1,250,000 only for the

Gulf and South Atlantic Fisheries Development Foundation (Foundation) to develop and administer a comprehensive program for data collection and analyses on the shrimp fishing effort in the Gulf of Mexico and South Atlantic, and to convene a working group to establish parameters for the Gulf of Mexico and South Atlantic red snapper stock assessment, including an analysis and assessment of red snapper mortality and fisheries impact resulting from discards by commercial and recreational fishermen due to regulatory requirements. This working group shall include a representative from NMFS, the Gulf of Mexico Fisheries Management Council (Council), and the Gulf States Marine Fisheries Commission (Commission) and shall provide for fair representation of the commercial and recreational red snapper industry, academia, State agencies, and other affected fisheries. The Foundation shall report its findings and recommendations to the House and Senate Committees on Appropriations and to NMFS within 180 days of enactment of this Act.

In addition, within the amounts included for Resource Information, the conferees have provided $750,000 only for the Gulf States Marine Fisheries Commission to enhance the current recreational data collection program in the fisheries information network for the Gulf of Mexico. This funding is in addition to funding provided under the RECFIN program. The Commission, in consultation with the States, the Council, NMFS, the Foundation, and affected interest groups shall develop and implement this data collection program and complete a transition that will commence a cooperative program with all the Gulf States. The Commission shall provide a report back to the Committees on Appropriations by April 1, 1998 on the roles of the respective partners in the cooperative system and the cost of transitioning to a new system of data collection, analysis and access. The conferees direct that these Foundation and Commission data collection and analyses efforts not be duplicated within NMFS or the Council.

The conference agreement also provides funds for right whale research, including gear modification research; MARFIN, including expansion of the program to the New England States; and Alaskan groundfish surveys, including calibration studies.

Steller Sea Lion Recovery Plans.—The conference agreement includes $2,770,000 for this activity, including $1,000,000 for a one-time support for the National Fish and Wildlife Foundation for research at the Alaska SeaLife Center, with the remaining funds to be allocated per the distribution in the Senate report for work by the State of Alaska and the North Pacific Universities Marine Mammal Consortium.

Fishery Industry Information.—Within the funds provided for Fishery Industry Information, the conference agreement provides $3,900,000 for recreational fishery harvest monitoring to be expended in accordance with the direction included in the Senate report. In addition, the conferees have provided funding under this activity for the Pacific Fisheries Information Network, a portion of which is for the Alaska Fisheries Information Network as recommended in the House and Senate reports.

Fisheries Management Programs.—The conference agreement includes $27,250,000 for this activity, including continued funding for the Alaska Harbor Seal Commission at the fiscal year 1997 level, and $350,000 to continue ongoing sea turtle recovery efforts at Rancho Nuevo and loggerhead nesting and research programs as described in the House report. In addition, within these amounts, $450,000 is for the Atlantic salmon recovery plan, $1,500,000 is for chinook salmon management, and $150,000 is for the State of Maine Atlantic salmon recovery plan.

Regional Councils.—The conference agreement includes $11,900,000 for this activity. The conferees direct NMFS and the Mid-Atlantic Fishery Management Council to provide the necessary resources to enable the State of North Carolina to become a full participant in the Council in accordance with section 107 of the Magnuson-Stevens Act.

Protected Species Management.—Within the funds provided for protected species management, $500,000 is for a study of the impacts of California sea lions and harbor seals on salmonids and the West Coast ecosystem.

Interstate Fish Commissions.—The conference agreement includes $6,750,000 for this activity, of which $750,000 is to be equally divided among the three commissions, and $6,000,000 is for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

Sea Turtle Protection.—The conferees concur in the House direction regarding sea turtle protection, recovery efforts and the prohibition on developing or implementing any new or revised biological opinions regarding shrimp fishing and turtle interaction until the Secretary of Commerce establishes a shrimp-turtle panel to develop such biological opinions. However, the conferees direct the Secretary to submit an implementation plan regarding the House direction on the shrimp-turtle panel and the establishment of a standardized statistical sea turtle stranding network no later than 30 days after enactment of this Act.

Bycatch Reduction.—The conferees also direct the Secretary of Commerce to comply with the direction provided in the House report regarding the implementation of an independent working group as recommended by industry to NMFS. The Secretary is directed to report back to the Committees on Appropriations, no later than December 1, 1997, as to the establishment of the independent working group. The conferees direct the Department of Commerce and NMFS not to implement or enforce any measure that would increase the minimum size for red snapper caught in the Gulf of Mexico to over 15 inches. The conferees are also concerned that the Gulf of Mexico Fishery Management Council's scientific and statistical committee lacks adequate representation of individuals with degrees in statistics and that the current demographic and industry representation on the reef fish and red snapper advisory panels is not balanced. The conferees expect NMFS to remedy this situation and report back to the Committees on Appropriations on their actions to correct this situation.

Other.—In addition, within the funds available for the Saltonstall-Kennedy grants program, the conferees direct that $150,000 be provided to the Alaska Fisheries Development Foundation to be used in accordance with the direction included in the Senate report, and funds be provided pursuant to the direction included in the House to support ongoing efforts related to Vibrio vulnificus.

Further, the conferees intend that funds for the Hawaii stock management plan and the Hawaii fisheries development project continue to be administered by the Oceanic Institute. In addition, the conference agreement transfers the following amounts from NMFS to NOS to reflect the transfer of management and operation of the Charleston laboratory: $4,100,000 from the Product Quality and Safety/Seafood Inspection line item; $410,000 from the Fisheries Cooperative Institute line item; and $1,900,000 from the Marine Biotechnology line item.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of $277,741,000 for Oceanic and Atmospheric Research activities, instead of $237,463,000 as recommended by the House and $271,648,000 as recommended by the Senate.

Interannual and Seasonal Climate Research.—The conferees have provided $12,900,000 for interannual and seasonal climate research under the structure proposed by the Senate, including $4,900,000 to operationalize the El Nino observing array (TOGA–TOW), as requested in the budget.

Climate and Global Change Research.—The conference agreement includes $60,000,000 for the Climate and Global Change research program, an increase of $4,900,000 above the amounts provided in fiscal year 1997. Within the overall amounts provided, the conferees have provided the full request of $7,250,000 for the International Research Institute and related regional application centers, a $2,000,000 increase over the fiscal year 1997 level. The conferees expect OAR to use the full $2,900,000 additional increase for activities directly related to El Nino, including additional support for the regional applications centers as well as to develop a national applications program to improve U.S. seasonal and interannual climate forecasts.

Long-term Climate and Air Quality Research.—The conferees have provided the full request of $29,402,000 for this activity, including requested increases for the Health of the Atmosphere program.

Atmospheric Programs.—The conference agreement provides $37,413,000 for this activity in accordance with the direction provided in the Senate report.

Marine Prediction Research.—The conference agreement includes $22,976,000 for marine prediction research. Within this amount, the Arctic Research Initiative is to be funded as directed in the House report, and the Open Ocean Aquaculture Initiative is to be funded in accordance with the Senate report. In addition, $2,300,000 is provided for tsunami mitigation; $150,000 is for the Lake Champlain study; $2,200,000 is for the VENTS program; $4,000,000 to continue an initiative for the aquatic ecosystems, water quality, atmospheric research, and facilities construction at the Canaan Valley Institute; and $1,500,000 is for implementation of the National Invasive Species Act, of which $500,000 is for the Chesapeake Bay Ballast Demonstration as directed in the Senate report.

GLERL.—Within the $6,000,000 provided for the Great Lakes Environmental Research Laboratory, the conferees expect NOAA to continue its support for the Great Lakes nearshore research and GLERL zebra mussel research programs.

Sea Grant.—The conferees have included $56,000,000 for the National Sea Grant program, and expect NOAA to continue to fund the existing oyster disease research and zebra mussel research programs within these amounts. Of the amounts provided, $1,000,000 is for the Gulf of Mexico Oyster Disease Initiative.

National Undersea Research Program (NURP).—The conference agreement provides $15,500,000 for the NURP, of which $1,500,000 is for the JASON Foundation for Education to develop and implement a program, in collaboration with NOAA, that will translate data from several independently supported oceanographic and underwater research sites in the United States to students and teachers throughout the nation and abroad as part of the 1998 International Year of the Ocean. Further, as part of the 1998 International Year of the Ocean, the conferees have also provided $500,000 to help finalize work on the Odyssey Maritime Center which will provide educational and research activities related to the oceans. Of the remaining $13,500,000, the conferees expect the funds to be distributed to the existing nationwide undersea research centers. The conferees direct that not

less than $5,000,000 of these funds should be made available to West Coast NURP centers, including the Hawaii and Pacific Center and the West Coast and Polar Regions Center, and not more than $1,000,000 shall be used for NOAA administrative costs and the intramural research.

NATIONAL WEATHER SERVICE

The conference agreement includes a total of $520,264,000 for the National Weather Service (NWS), instead of $511,154,000 as proposed by the House, $525,964,000 as proposed by the Senate, and $503,763,000 requested in the budget. Further, an additional $132,781,000 is provided within the new NOAA Procurement, Acquisition and Construction account for NWS systems acquisition and related activities which were previously funded under this heading in this account. The conference agreement also provides $14,823,000 elsewhere in this account.

Local Warnings and Forecasts/Base Operations.—The amount provided includes $324,000,000 for the base operations of the National Weather Service, an increase of $10,200,000 above the amount provided in the House bill, and $16,000,000 above the request. Within these amounts, the conferees direct the NWS to provide funding as directed in the House and Senate reports to provide transmitters to address the concerns regarding gaps in coverage provided by NOAA Weather Radio in certain areas. In addition, within these amounts, the conferees direct the NWS to continue operating and maintaining all data buoys and coastal marine automated network stations funded and supported by the NWS in fiscal year 1997. The conferees are aware of the review conducted by the Department recommending management and budget reforms at the NWS. Due to the delay in completion of this review, which was not provided to the Committees until October 23, 1997 the conferees have not had sufficient opportunity to analyze the results and recommendations. However, the conferees look forward to working with NOAA and the Department to address these issues and would be willing to entertain a reprogramming of funds should additional resources be required to implement these reforms in fiscal year 1998. In addition, the conferees expect no action to be taken to reorganize the NWS, including the regional structure, without prior consultation with the Committees on Appropriations.

In addition, while the NWS no longer provides specialized agriculture forecasts, the conferees expect the NWS to cooperate with and provide its existing basic data and information to the agricultural community, which includes farmers, their trade associations, State agencies, educational institutions and the U.S. Department of Agriculture.

Within the amounts available to the National Weather Service, the conferees direct that not less than $3,300,000 be provided to the Tropical Prediction Center (National Hurricane Center), and not less than $3,000,000 be provided to the Storm Prediction Center in fiscal year 1998.

In addition, the conferees are concerned about the radar obstruction detected at the NEXRAD facility located at the Jackson, Mississippi airport. The NWS is expected to receive a report in November 1997 regarding actions needed to correct this obstruction. Upon receipt of this report, the conferees expect the NWS to take immediate action to mitigate the NEXRAD blockage.

Modernization and Associated Restructuring Demonstration Program (MARDI).—The conference agreement includes $73,674,000 for MARDI, as provided in the House and Senate bills, and the full amount requested. Reductions from the fiscal year 1997 level reflect the non-recurrence of one-time contract costs associated with the NOAA Weather Radio Console Replacement system, as well as consolidation of field offices in accordance with modernization plans. Within the amounts for MARDI, full funding has been provided for the operational costs associated with mitigation activities recommended in the Secretary's report to the Congress on areas of concern under the NWS modernization program.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes $134,682,000 for NOAA's satellite and data management programs. In addition, the conference agreement includes $298,905,000 under the new NOAA Procurement, Acquisition and Construction (PAC) account for satellite systems acquisition and related activities previously provided for under this heading within the ORF account.

Environmental Data Management.—The conferees have included $46,335,000 for EDMS activities. Under EDMS, the conference agreement includes $2,500,000 for the Regional Climate Centers, and adopts the Senate recommendation to transfer this program from the National Weather Service to NESDIS.

Polar Convergence.—The conference agreement includes $34,000,000 for the interagency program office to converge the NOAA and Department of Defense (DOD) polar satellite convergence programs. The conferees believe the recommendation provides the necessary funding to ensure the timely progression of the Polar convergence program. Within the amounts provided for Polar convergence, the conferees have included $3,000,000 to determine the feasibility of collecting global wind weather data from the private sector. The data should be of an accuracy and coverage that will improve weather forecasts substantially, and should be acquired by a technique that can be expanded to provide for other data products of interest to NOAA. The conferees expect NOAA to use the fiscal year 1998 funds as follows: at least $2,000,000 to test the collection of wind data through ground-based instrumentation similar to that used by satellite systems; and to develop a proposal for the use of such data provided by the private sector into NOAA services and products; and to issue a request for proposals (RFP) to provide the agency with wind data. The conferees anticipate receiving NOAA's proposal for the use of this data not later than April 30, 1998, and that the RFP will be issued by the agency no later than May 15, 1998. No contract may be awarded in fiscal year 1998 as a result of the request for proposals.

The conferees share the concerns expressed in the House report regarding the achievement of cost savings from Polar convergence. The conferees direct NOAA to follow the direction in the House report regarding this matter.

PROGRAM SUPPORT

The conference agreement provides $66,214,000 for NOAA program support, instead of $61,712,000 as recommended by the House and $67,002,000 recommended by the Senate.

FLEET PLANNING AND MAINTENANCE

The conference agreement includes an appropriation of $13,500,000 for this activity in the Operations, Research, and Facilities (ORF) account, instead of $2,500,000 as included in the House bill within ORF, and $15,823,000 included in the Senate bill under a separate Fleet Modernization, Shipbuilding, and Conversion account. The conference agreement includes $4,000,000 for modernization of the RELENTLESS as proposed in the Senate bill. The conference agreement does not provide $1,500,000 requested in the budget for additional equipment to modernize hydrographic vessels. This matter is discussed further elsewhere in this account. In addition, further guidance regarding this account is included under section 612 of this Act.

FACILITIES

The conference agreement includes $11,265,000 for facilities maintenance, lease costs, and environmental compliance, instead of $11,950,000 included in the House bill, and $10,015,000 included in the Senate bill under a separate Construction account. Of the amounts provided: $1,800,000 is for NOAA facilities maintenance, $2,000,000 is for the lease costs of the Sandy Hook facilities, $2,000,000 is for environmental compliance activities, $1,000,000 is for Weather Forecast Office maintenance, and $4,465,000 is for Columbia River facilities maintenance.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a total of $491,609,000 for a new Procurement, Acquisition and Construction account. This new account funds capital acquisition activities, including systems acquisition and new construction, previously funded within the NOAA Operations, Research, and Facilities account and the Construction account. Language is included in the bill to make the necessary technical changes to reflect the establishment of this account. While the conferees have adopted this new budget structure, the conferees have done so expecting NOAA, the Department of Commerce, and the Office of Management and Budget to continue to utilize funding available within all NOAA accounts, including capital investment items, for reprogrammings and transfers to deal with changing operational and programmatic requirements of NOAA. The following distribution reflects the fiscal year 1998 funding provided for activities within this account:

Systems Acquisition:	
AWIPS	$116,910,000
ASOS	4,494,000
NEXRAD	6,377,000
Computer Facilities Upgrades	5,000,000
Polar Spacecraft and Launching	82,905,000
Geostationary Spacecraft and Launching	216,000,000
Subtotal, Systems Acquisition	431,686,000
Construction:	
Boulder Lab Above Standard Costs	2,900,000
WFO Construction	13,823,000
Santa Cruz Fisheries Lab	15,200,000
NERRS Construction	8,000,000
Honolulu Fisheries Lab	2,000,000
Gulf Coast Lab	5,000,000
Alaska Facilities	8,000,000
Pribilof Island Cleanup	5,000,000
Subtotal, Construction	59,923,000

Systems Acquisition.—The conference agreement provides the full amount requested for AWIPS acquisition. Language is included, slightly modified from the House bill, designating the amounts available under this account for AWIPS, and making the availability of these funds contingent upon certification by the Secretary of Commerce that the overall program costs will not exceed $550,000,000. The conferees expect NOAA to follow the direction included in the House report regarding consultation with the Committees.

Of the amount provided under this account for NEXRAD, $4,377,000 is provided for continued acquisition activities associated with the three additional NEXRAD systems as described in the House report, and $2,000,000 is for planned product improvements. While the conferees appreciate the need to ensure upgrades and improvements in the modernized weather system, the first priority must be to provide the resources and attention necessary to first complete the original modernization as planned.

Construction.—The conference agreement includes $2,900,000 for above standard costs for the Boulder Laboratory, an increase above the request to cover additional unanticipated costs associated with completion of this facility, including soil mitigation and access road improvements. The conference agreement also includes $15,200,000 for the Santa Cruz Laboratory, in accordance with the direction included in the House report regarding submission of a spending plan and overall costs for completion of this facility.

Of the amounts provided for National Estuarine Research Reserve construction, $2,000,000 is included for the ACE Basin Reserve as recommended in the Senate report.

The conference agreement includes $8,000,000 for Alaska facilities construction related to fisheries laboratory requirements, and includes bill language providing for the transfer of land related to construction of the Juneau laboratory.

COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of $7,800,000, as provided in both the House and Senate bills, from the Coastal Zone Management Fund. The conference agreement allocates these funds as follows: $4,500,000 for program administration and $3,300,000 for the National Estuarine Research Reserve Program. These amounts are reflected under the National Ocean Service within the Operations, Research, and Facilities account.

CONSTRUCTION

The conference agreement does not include funding under a separate Construction account, reflecting the adoption of a new NOAA account structure as recommended in the House bill. A total of $71,188,000 is provided within the NOAA ORF account and the new NOAA PAC account for activities previously funded in this account. The Senate bill included $88,000,000 under a separate Construction account.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

The conference agreement does not include funding under a separate Fleet Modernization, Shipbuilding and Conversion account, reflecting the adoption of a new NOAA account structure as recommended in the House bill, and instead includes $13,500,000 for this purpose within the NOAA ORF account. The Senate bill included $15,823,000 under a separate Fleet Modernization, Shipbuilding and Conversion account.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

The conference agreement does not include funding for this account, as recommended in the House bill and proposed in the budget. The Senate bill provided $200,000 for this account.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes $953,000 for the Fishermen's Contingency Fund, as provided in both the House and Senate bills.

FOREIGN FISHING OBSERVER FUND

The conference agreement includes $189,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in both the House and Senate bills.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement provides $338,000 in subsidy amounts for Fisheries Finance Program Account, the same total amount proposed in the Senate bill, instead of $250,000 recommended in the House bill. The conference agreement reflects changes made to this account in the Magnuson-Stevens Act which converted this account from a guaranteed loan program to a direct loan program, as proposed in the House bill. In addition, the conference agreement renames this account, previously referred to as the Fishing Vessel Obligations Guarantees account, to reflect such changes.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $27,490,000 for the general administration of the Commerce Department, instead of $28,490,000 as proposed in the Senate bill and $26,490,000 as proposed in the House bill, and a reduction of $2,595,000 from the request. The conference recommendation assumes savings as a result of personnel reductions in fiscal year 1997 and other administrative reforms. Should additional funds be required to avoid adverse personnel actions or to improve management and oversight functions at the Department, the conferees would be willing to consider a transfer in accordance with section 605 of this Act.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $20,140,000 for the Commerce Department Inspector General, as proposed in both the House and Senate bills.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

The conference agreement includes a rescission of $20,500,000 from prior year unobligated balances in NOAA satellite programs, due to lower than expected program needs in fiscal year 1997. The House bill rescinded $5,000,000 from these satellite procurement balances, while the Senate bill contained no rescission. This rescission reduces the amount of unobligated balances that would be transferred to the new ''Procurement, Acquisition, and Construction'' appropriations account.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $3,000,000 in unobligated balances from the U.S. Travel and Tourism Administration (USTTA). These funds are derived from excess funds provided for closeout costs for USTTA, which was eliminated in fiscal year 1996.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

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

Section 201.—The conference agreement includes section 201, included in both the House and Senate versions of the bill, regarding certifications of advanced payments.

Sec. 202.—The conference agreement includes section 202, identical in both the House and Senate versions of the bill, allowing funds to be used for hire of passenger motor vehicles.

Sec. 203.—The conference agreement includes section 203, identical in both the House and Senate versions of the bills, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

Sec. 204.—The conference agreement includes section 204, identical in both the House and Senate versions of the bill, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers.

Sec. 205.—The conference agreement includes section 205, identical in both the House and Senate versions of the bill, regarding transfer authority between Commerce Department appropriation accounts.

Sec. 206.—The conference agreement includes section 206, providing for the notification of the House and Senate Committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce, as proposed in the House and Senate bills, with a modification to include any reorganizations or changes affecting any portion of the Department.

Sec. 207.—The conference agreement includes section 207, similar to provisions included in the House and Senate bills, requiring that any costs related to personnel actions incurred by a Department or agency funded in title II of the accompanying Act, be absorbed within the total budgetary resources available to such Department or agency, with a modification to include the care of loan collateral and grants protection.

Sec. 208.—The conference agreement includes section 208, as proposed in the House and in the Senate bill as section 209, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.

Sec. 209.—The conference agreement includes new language, not included in either the House or Senate bills, regarding the conduct of the 2000 decennial census.

Sec. 210.—The conference agreement includes new language, not included in either the House or Senate bills, establishing the Census Monitoring Board.

Sec. 211.—The conference agreement includes section 211, as proposed in the Senate bill, amending 22 U.S.C. 401 and 28 U.S.C. 524 to provide the Secretary of Commerce assets seizure, forfeiture, and disposal authority. The House bill did not address this matter.

Sec. 212.—The conference agreement includes section 212, modified from the Senate bill, allowing for the transfer of funds previously awarded by the Economic Development Administration, and extending the availability of funds provided in certain instances to remain available until expended. The House bill contained no similar provision.

The conference agreement does not include a provision included in the Senate bill modifying the designation of a Metropolitan Statistical Area. In addition, the conference agreement does not include a provision included in the Senate bill making additional funds available for the NTIA Information Infrastructure Grants program by offsetting reductions in other accounts in title II. These matters are addressed elsewhere in title II. Further, the conference agreement does not include a ''Sense of the Senate'' provision regarding the fraudulent transfer of presubscribed telephone customers.

The conference agreement includes a technical citation for this title, as proposed in the Senate bill.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $29,245,000 for the salaries and expenses of the Supreme Court, instead of $29,278,000 as provided in the House bill and $28,903,000 as provided in the Senate bill. In addition, $33,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges.

Full funding is provided to improve police radio system area coverage. The Marshal's Office shall deliver to the Appropriations Committees the assessment of needs for enhancing the system as soon as it is received from the radio contractor. Additionally, a report shall be provided not later than March 1, 1998 on the compatibility of the upgraded Supreme Court radio system with the radio systems of the District of Columbia police, fire, and emergency services, Capitol and other federal police, and state and local police.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes $3,400,000 for the Supreme Court Care of the Building and Grounds account, as provided in the House bill, instead of $6,170,000 as provided in the Senate bill. Within the amount provided, the conference agreement includes the requested amounts for elevator renovation and ADA requirements, $75,000 for miscellaneous improvements (including a study to replace/retrofit 13.2 kilovolt switchgear and cables), and $600,000 for capital improvements, including the requested amounts for the schematic design of building improvements and utility systems upgrade, the emergency electrical distribution system, and fire pump electric feeders upgrade, and $225,000 for the fire alarm systems upgrade.

The conference agreement allows $485,000 of this appropriation to remain available until expended, compared with $410,000 in the House bill and $3,620,000 in the Senate bill.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes $15,575,000 for the U.S. Court of Appeals for the Federal Circuit, instead of $15,507,000 as provided in the House bill and $15,796,000 as provided in the Senate bill. In addition, $42,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges. The total amount available of $15,617,000 is sufficient to fund current service requirements but does not include funding for the additional positions requested in the budget.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes $11,449,000 for the U.S. Court of International Trade, instead of $11,478,000 as provided in both the House and Senate bills. An additional $29,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The conference agreement provides $2,682,400,000 for the salaries and expenses of the federal judiciary, instead of $2,687,069,000 as provided in the House bill and $2,789,777,000 as provided in the Senate bill. An additional $4,896,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges.

Including amounts provided under the Violent Crime Reduction Trust Fund, addressed below, and section 306, the total amount available in this conference agreement for the salaries and expenses of the courts is $2,727,296,000, instead of $2,727,069,000 as provided in the House bill and $2,789,777,000 as provided in the Senate bill.

In addition to these appropriated resources, there is likely to be available at least $156,807,000 in fee carryover from prior years, $135,185,000 in current year fees, $11,727,000 and $51,046,000 in appropriations carryover.

Within the overall funding available for fiscal year 1998, the conferees expect the judiciary to fund its highest program priorities, including additional magistrate judges, bankruptcy clerks, and probation and pretrial services. The conferees are aware of the judiciary's proposal to increase funding for electronic courtroom technologies, and expect to be kept apprised of plans to carry this proposal out. The conferees agree that the language in the House report relating to optimal utilization of judicial resources is to be followed.

The conference agreement provides that within the total provided, $900,000 shall be transferred to the Commission on Structural Alternatives for the Federal Courts of Appeals, which is provided for under section 305. The conference agreement includes a change in the heading of this account to indicate that this account contains a transfer of funds. The House and Senate bills did not contain a provision on this matter.

The conference agreement permits $13,454,000 for space alteration projects to remain available until expended, as provided in the House bill, instead of $16,530,000 as provided in the Senate bill.

The conference agreement also appropriates $2,450,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986, as provided in both the House and Senate bills.

Violent crime reduction trust fund.—The conference agreement includes an appropriation of $40,000,000 from the Violent Crime Reduction Trust Fund, as provided in the House bill, instead of no funds as provided in the Senate bill. The conferees intend that these funds be used to offset workload requirements of the federal judiciary related to the Violent Crime Control and Law Enforcement Act of 1994 and the Anti-Terrorism and Effective Death Penalty Act of 1996.

DEFENDER SERVICES

The conferees have included $329,529,000 for the federal judiciary's Defender Services account, as provided in the House bill, instead of $308,000,000 as provided in the Senate bill. The conferees do not assume use of any prior year fee carryover in this account, as had been assumed in the Senate bill. If additional funds are required, funding provided for the Violent Crime Reduction Trust Fund and fee carryover under the Salaries and Expenses account is available by transfer.

The conference agreement does not include a provision that was included in the Senate bill to cap the annual incremental cost of each capital representation at $63,000 and to require that any costs in excess of that amount be paid equally out of funds appropriated or otherwise made available to the administrative units supporting the prosecutor and presiding judge. However, the conferees restate the concerns expressed in both the House and Senate reports concerning the rapidly rising costs in the program, including the average cost of capital representations. In response to these concerns, and at the request of the Committees, the Administrative Office of the Courts, has commenced a study to identify the reasons for the rapidly increasing costs within this account and to provide recommendations to control these costs. This should include recommendations with respect to best practices to help develop and disseminate guidelines focused on case cost containment. This report, to be developed and carried out in consultation with the General Accounting Office, is due to Congress by February 2, 1998.

Because the costs of the existing program have been rising so rapidly, and the possibility that funding requirements in fiscal year 1998 will exceed the budget request by a significant amount, the conferees have not provided for increases in the rate for panel attorneys or other program increases.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $64,438,000 for Fees of Jurors and Commissioners, instead of $66,196,000 as proposed in the House bill and $68,252,000 as proposed in the Senate bill. The amount provided reflects the latest estimate from the judiciary of the requirements for this account.

COURT SECURITY

The conference agreement includes $167,214,000 for the federal judiciary's Court Security account as proposed by the House instead of $167,883,000 as proposed by the Senate. In addition, the conference agreement permits up to $10,000,000 of the total to remain available until expended as proposed in the Senate bill, and no extended availability as proposed in the House bill. The funding provided in the conference agreement, which is a large increase over the amount provided in fiscal year 1997, is intended to fully fund the personnel and equipment necessary to bring court security up to applicable security standards, as requested, and should these funds not be sufficient, the judiciary and the Marshals Service will be expected to absorb any additional costs from within their budgets.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes $52,000,000 for the Administrative Office of the United States Courts, as proposed by the House, instead of $53,843,000 as proposed by the Senate. This level of funding will provide a portion of the additional staff requested in the budget. The conferees expect the additional staff to be used for strengthening the Administrative Office's capability to manage and oversee the Defender Services and Court Security budgets and for automation support staff, as provided in both the House and Senate reports. The conferees assume that nonappropriated funds of $37,169,000 will be available for the operations of the Administrative Office.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes $17,495,000 for the fiscal year 1998 salaries and expenses of the Federal Judicial Center, as proposed in both the House and Senate bills.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO THE JUDICIARY TRUST FUNDS

The conference agreement includes $34,200,000 for payment to the various Judicial retirement funds as provided in both the House and Senate bills.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The conferees have included $9,240,000 for the U.S. Sentencing Commission, instead of $9,000,000 as provided in the House bill, and $9,480,000 as provided in the Senate bill. No funding is provided for public service announcements, because of the availability of substantial funding for these announcements within the Office of National Drug Control Policy.

GENERAL PROVISIONS—THE JUDICIARY

Section 301.—The conference agreement includes section 301 as provided in both the House and Senate bills allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Sec. 302.—The conference agreement includes section 302, included in both the House and Senate bills, providing the Judiciary with the authority to transfer funds between appropriations accounts.

Sec. 303.—The conference agreement includes section 303, identical in both the House and Senate-reported versions of the bill, allowing up to $10,000 of salaries and expenses funds provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States.

Sec. 304.—The conference agreement includes section 304, as proposed in the Senate bill, which provides a permanent extension of the authority for the Judiciary Automation Fund. The House bill did not include any provision on this matter.

Sec. 305.—The conference agreement includes section 305, creating the Commission on Structural Alternatives for the Federal Courts of Appeals. The functions of the Commission are to study the present division of the United States into the several judicial circuits; study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit, and to report to the President and the Congress its recommendations for changes in circuit boundaries or structures. The Commission is to be made up of 5 members, to be appointed by the Chief Justice of the Supreme Court. The Commission is to conduct studies during the 10-month period beginning on the date on which a quorum of the Commission is appointed, and within the following 2-month period, submit its report to the President and the Congress. Not to exceed $900,000 is authorized to be appropriated for the Commission, to remain available until expended. The House bill had no provision on this matter. The Senate bill contained a provision that realigned the current Ninth Circuit and established a new Twelfth Circuit.

Sec. 306.—The conference agreement includes section 306, as proposed in the Senate bill, authorizing federal judges to receive a salary adjustment, modified to include an additional provision appropriating $5,000,000 for the cost of the salary adjustment, to be transferred to and merged with appropriations in this title. The House bill did not contain a provision on this matter.

Sec. 307.—The conference agreement includes a provision included in the Senate bill amending section 44(c) of title 28 of the U.S. Code to require that in each circuit, other than the Federal Judicial Circuit, there shall be at least one circuit judge appointed from each State in that circuit. The House bill had no provision on this matter.

Sec. 308.—The conference agreement includes a provision requiring public disclosure of court appointed attorney's fees, unless the court finds that consideration of the defendant's interests requires otherwise, as included in the Senate bill as section 121, modified to make the provision effective 60 days after enactment, apply to new cases, and sunset in two years. The provision, as included in the Senate bill, would have been effective immediately, would have applied to all cases, and would have been permanent. The House bill included no similar provision.

The conference agreement includes a short title for Title III of this Act, as included in the Senate bill. The House bill did not include a short title.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of $1,730,000,000 for Diplomatic and Consular Programs. This amount includes: a direct appropriation of $1,705,600,000, instead of $1,706,577,000 as provided in the House bill and $1,727,868,000 as provided in the Senate bill, including $490,000 from the reserve fund for the International Center, as provided in both the House and the Senate bills; $700,000 to be derived from registration fees, as provided in both the House and the Senate bills; and $23,700,000, to remain available until expended, for increased security overseas, as provided in the House bill, to continue the antiterrorism initiatives included in the fiscal year 1997 appropriations Act.

The conference report specifies that in addition to funds otherwise available, $24,856,000 shall be available for operation of existing base services and $17,312,000, to remain available until expended, for enhancement of the Diplomatic Telecommunications Service. The House bill contained a provision specifying these amounts, but did not allow for other funds that might be available. The Senate bill did not contain a provision on this matter.

The conference report also includes a provision permitting the transfer of up to $4,000,000 to the Emergencies in the Diplomatic and Consular Service account for emergency evacuations and terrorism rewards, as provided in the Senate bill. The House did not have a provision on this matter.

The conference report also includes a provision to collect and deposit as an offsetting collection to this account Machine Readable Visa fees in fiscal years 1998 and 1999 to recover authorized costs. The Senate bill included a similar provision but would have made it permanent. The House bill included a provision allowing deposit of MRV fees as an offsetting collection to this account in fiscal year 1998.

The conference report does not include a provision making not to exceed $125,000 of the funds under this heading available for the Maui Pacific Center, as proposed in the Senate bill. The House bill did not contain a provision on this matter.

The conferees agree that the language in both the House and Senate reports under this heading is to be followed in expending fiscal year 1998 funds, with the following exceptions and additions.

The conferees endorse a modified plan for orphan adoptions in the Russian Far East proposed by the State Department in response to language in the Senate report. Consular officers in Vladivostok will forward approved immigrant visa applications to Moscow by courier for final processing. Final processing and return of immigrant visas to Vladivostok will occur within the 10-day waiting period after final adoption hearings. The State Department shall report back to the Appropriations Committees on the implementation of the proposed new adoption procedures not later than December 31, 1997.

The conferees understand that the State Department has been reimbursing some, but not all, U.S. Bering Straits commissioners. The conferees direct the State Department to compensate all U.S. members of the Bering Straits Commission for costs associated with official duties. The conferees direct the State Department to provide the Appropriations Committees with an estimate of commissioner compensation in fiscal year 1998 not later than December 31, 1997.

The conferees are concerned over the situation in the Republic of Albania, specifically, reports that the new Socialist government is engaging in politically motivated purges of civil servants and allegations of repression of certain members of the opposition. As such, the conferees direct the State Department to maintain vigorous scrutiny of the human rights performance of the new government, particularly with respect to treatment of opposition political parties, and the exercise of freedom of the media and freedom of Assembly. The conferees further direct the State Department to report back to the Congress on these issues within 180 days of enactment of the bill.

The State Department previously has been requested by the conferees to ensure that a senior officer of the U.S. & Foreign Commercial Service (US&FCS) was nominated to be an ambassador. The conferees continue to recognize the professionalism and foreign policy expertise of the US&FCS officer corps and believe that such an action is long overdue. Accordingly, the conferees expect the Department of State to select and nominate a US&FCS foreign service officer to be an ambassador by May 1, 1998.

SALARIES AND EXPENSES

The conference agreement includes a total of $363,513,000 for Salaries and Expenses, as proposed in both the House and Senate bills. The conference agreement does not include a provision, as proposed in the House bill, to withhold $7,270,260 from obligation until the Secretary designates foreign terrorist organizations as required by the Antiterrorism and Death Penalty Act of 1996. The conferees are aware that the Secretary has made such designation and submitted it to Congress. The Senate bill did not contain a provision on this matter.

The conferees adopt by reference the provisions of both the House and the Senate reports under this heading.

The Department of State, in consultation with the Bureau of Alcohol, Tobacco, and Firearms, and the Federal Bureau of Investigation, is directed to prepare a report on the implementation of 22 U.S.C. 2778(b)(1)(B) to the Appropriations Committees of both the House and the Senate, to include the following:

(1) the number of applications processed and approved in the last 5 years;

(2) the articles that were approved for importation as of the date of the report;

(3) the number of applications disapproved and the reasons for such disapprovals;

(4) an estimate of the number and the specific model of firearms, based upon current survey information from overseas missions, available for importation from non-proscribed countries; and

(5) a detailed explanation of the process by which an M–1 carbine can be converted into an illegal machine gun under the National Firearms Act or assault weapon, as defined in 18 U.S.C. 921(a)(30).

CAPITAL INVESTMENT FUND

The conference agreement includes $86,000,000 for the Capital Investment Fund, instead of $50,600,000 as proposed in the House bill, and $105,000,000 as proposed in the Senate bill. The conferees adopt by reference the provisions of both the House and the Senate reports under this heading.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $27,495,000 for the Office of Inspector General, which has jurisdiction over the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, as proposed in the Senate bill, instead of $28,300,000 as proposed in the House bill.

REPRESENTATION ALLOWANCES

The conference agreement includes $4,200,000 for Representation Allowances, instead of $4,300,000 as proposed in the House bill and $4,100,000 as proposed in the Senate bill.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $7,900,000 for Protection of Foreign Missions and Officials, as provided in both the House and the Senate bills.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes $404,000,000 for this account, instead of $373,081,000 as proposed by the House, and $420,281,000 as proposed by the Senate.

The conference agreement includes $9,500,000 for architectural and engineering plans for an embassy in Jerusalem.

The conference agreement also provides an additional $19,600,000 for emergency rehabilitation and security projects worldwide, to address a portion of the large backlog in rehabilitation projects.

In addition, within the original budget request, the conferees are aware of some slippage in the rehabilitation projects that were submitted to Congress.

The conference report includes language to allow preservation, maintenance, repair, and planning for buildings that are owned or directly leased by the Department of State. The conference report includes sufficient funding to permit initiation of these activities. Up to this point, the Department has not had any funds for capital maintenance of a category of buildings, including its passport and regional operations centers. The conferees are also aware the Department is projecting a need for passport processing capacity greater than available from current facilities, including expansions already planned, and expect the Department to commence planning for a facility to meet such a need in a State previously designated for that purpose.

The conferees are in agreement with language in both the House and Senate reports emphasizing the importance of increased management and disposal of surplus properties to fund new construction and real property acquisitions that are not currently being directly funded under this account. The conferees believe that the Department's budget presentation should include a priority list of proposed uses of proceeds from surplus property sales in addition to the anticipated level of property disposal for the upcoming fiscal year, as well as an accounting for the sale and use of proceeds for the previous two years, in order to make information on the operation of this program more available, in addition to the quarterly reports the Department is currently providing.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $5,500,000 for Emergencies in the Diplomatic and Consular Service account, as provided in both the House and Senate bills.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of $1,200,000 for the Repatriation Loans Program account, as provided in both the House and Senate bills.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $14,000,000 for the Payment to the American Institute in Taiwan account, as proposed in the House bill, instead of $14,490,000 as proposed in the Senate bill.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $129,935,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House and Senate bills.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $955,515,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations, instead of $978,952,000 as proposed in the House bill, and $957,009,000 as proposed in the Senate bill. Within this amount, $54,000,000 is for payment of arrearages, as proposed in both the House and Senate bills, and not to exceed $12,000,000 is to be transferred to the International Conferences and Contingencies account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission for certain defined activities, instead of $4,000,000 for transfer to the ICC account for new or provisional international organizations, as proposed in the House bill, and $10,000,000 for transfer to the ICC account for new or provisional organizations and for travel expenses of official delegates to international conferences, as proposed in the Senate bill.

Within this amount, the conference agreement provides $54,000,000 for payment of arrearages, as proposed in both the House and Senate bill, contingent upon enactment of an authorization act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the U.S. assessed share of the United Nations regular budget to 20 percent and of peacekeeping operations to 25 percent; reimbursement for goods and services provided by the U.S. to the U.N. ; certification that the U.N. and affiliates have taken no action to infringe on U.S. sovereignty; a ceiling on U.S. contributions to international organizations in future years of $900,000,000; establishment of a merit-based personnel system at the U.N.; U.S. membership on the U.N. Budget Committee; GAO access to U.N. financial data; negative growth budgets and independent inspectors general for affiliated organizations; and improved consultation procedures with Congress, as proposed in the House bill. The Senate bill made payment of funds for this account, including payment of arrearages owed to the U.N., contingent upon enactment of the Foreign Affairs Reform and Restructuring Act of 1997.

The conference agreement includes conditions relating to payment of the current year assessment to the U.N., as proposed in the House bill, as follows: 1) $100,000,000 may be made available only on a semi-annual basis pursuant to a certification that the U.N. has taken no action to cause it to exceed the expected 1998–1999 budget of $2,533,000,000; 2) 20 percent of the assessed contribution to the U.N. may be made only after a certification has been provided with respect to the functions of the U.N.'s Inspector General—the Office of International Oversight Services; and 3) none of the funds can be used for the U.S. share of interest costs for loans incurred after October 1, 1984 through external borrowings. The Senate bill did not contain provisions on these matters.

Current year assessments.—The amount provided in the conference report is expected to be sufficient to fully fund the current year assessments for U.S. membership in international organizations. The latest estimate of the cost of assessments provided by the Department of State to the Committees indicates that the increased value of the dollar in relation to other major currencies has lowered the requirement for funding of this account by $53,368,000 below the original budget request. In addition, at the end of fiscal year 1997, $17,620,000 was transferred from the Contributions to International Peacekeeping account to this account to prepay a portion of the U.N. dues payable in fiscal year 1998, and additional prepayments were made from funds reserved for International Conferences and Contingencies that would otherwise have lapsed. Finally, approximately $4,600,000 of the amount requested for assessments is not required to be paid out, because U.S. membership in two new organizations has not been ratified, the U.S. has announced its withdrawal from a small organization paid for out of the Organization for Economic Cooperation and Development assessment, and the contribution to the Interparliamentary Union is to be limited to $5,000 because that organization has not resolved a disputed assessment increase. The conferees agree that no funding is to be provided to the five organizations for which funding was not provided in fiscal years 1996 and 1997. To the extent that foreign currency exchange rates change, the conferees expect that there are sufficient mechanisms in place or pending in authorization language to make up any difference or to assure that excess funding does not lapse.

Transfer to International Conferences and Contingencies.—Not to exceed $12,000,000 is to be transferred from the Contributions to International Organizations account to the International Conferences and Contingencies account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission. Transferred funds are to be obligated and expended only for Commission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing international monitoring systems involved in cooperative data sharing agreements with the United States as of the date of enactment of this Act, until the U.S. Senate ratifies the Comprehensive Nuclear Test Ban Treaty. If the Treaty is ratified, then the limitation on what these funds can be expended for would no longer be in effect.

The conferees adopt by reference the language in the House report concerning the Framework Convention on Climate Change.

The conferees agree that no funding is provided for world-wide conferences. The conferees understand that the United States could lose its vote in some international organizations due to arrears, such as the current situation with the INRO. The conferees are agreed that the Department of State should take action to maintain the U.S. Government's vote in these organizations and should expeditiously submit a reprogramming to pay off shortfalls, if necessary.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides $256,000,000 for Contributions for International Peacekeeping Activities, instead of $261,000,000, as proposed in the House bill, and $200,320,000 as proposed in the Senate bill.

The conference agreement includes $46,000,000 for payment of arrearages, as included in both bills, and makes payment of arrearages contingent upon enactment of an authorization subject to the same conditions applicable to payment of arrearages described under the previous account, Contributions to International Organizations, as proposed in the House bill. The Senate bill made payment of funds for this account, including payment of arrearages owed to the U.N., contingent upon enactment of the Foreign Affairs Reform and Restructuring Act of 1997.

The conference agreement includes a provision that prohibits obligation or expenditure of funds for new or expanded U.N. peacekeeping missions unless, at least 15 days prior to the Security Council vote, the appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and a reprogramming of funds is submitted

setting forth the source of funds that will be used to pay for the cost of the new or expanded mission. The Senate bill did not contain a provision on this matter.

The conference agreement contains a provision requiring a certification that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for U.N. peacekeeping activities equal to those being given to foreign manufacturers and suppliers. The Senate bill did not contain a provision on this matter.

The conferees adopt by reference language in the House report requiring reprogramming requirements for certain missions that may continue, but for which information has either not been provided or is under consideration.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

The conference agreement does not include funding for International Conferences and Contingencies, as proposed in the Senate bill, instead of $1,500,000 as proposed in the House bill. The conference agreement includes the transfer of up to $12,000,000 to this account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, for specified activities.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

The conference agreement includes $17,490,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC), as proposed in the House bill, instead of $18,200,000 as proposed in the Senate bill.

The conference agreement provides that not to exceed $6,000 may be used by the Commission for representation expenses, as proposed in the House bill, instead of $10,000 as proposed in the Senate bill.

CONSTRUCTION

The conference agreement includes $6,463,000 for the Construction account of the IBWC, as proposed in both the House and Senate bills.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes $5,490,000 for the U.S. share of expenses of the International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission, as provided in the House bill, instead of $5,010,000 as provided in the Senate bill.

Within the total, $761,000 is provided for the International Boundary Commission, United States and Canada, as proposed in the House bill, instead of $785,000 as proposed in the Senate bill; $3,189,000 is provided for the International Joint Commission, instead of $3,128,000 as proposed in the House bill and $3,225,000 as proposed in the Senate bill; and $1,540,000 for the Border Environment Cooperation Commission, instead of $1,601,000 as proposed in the House bill, and $960,000 as proposed in the Senate bill. No funds are provided for the Bering Straits Commission, as proposed in the House bill, instead of $40,000 as proposed in the Senate bill. This issue is addressed in the Statement of Managers under the Diplomatic and Consular Programs heading.

The conference agreement provides $9,000 for representation expenses, as proposed in the House bill, instead of $9,900 as proposed in the Senate bill.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes $14,549,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities, as proposed in the Senate bill, instead of $14,490,000 as proposed in the House bill.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $8,000,000 for the Payment to the Asia Foundation account, the amount provided in the House bill, instead of $5,000,000, as provided in the Senate bill.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

The conference agreement includes $41,500,000 for the Arms Control and Disarmament Agency (ACDA), as proposed in the House bill, instead of $32,613,000 as proposed in the Senate bill. Funds are provided for operating expenses of ACDA, with the expectation that $1,000,000 will not be required for operations and will be available for the Comprehensive Test Ban Treaty Preparatory Commission. These funds are to be expended subject to the same conditions as the funds provided for this purpose under Contributions to International Organizations for transfer to International Conferences and Contingencies. The Agency is directed to provide a detailed financial plan to the Committees within 30 days of enactment of this Act, setting forth how these funds will be distributed to fund basic operating expenses and the Preparatory Commission. Funding for activities other than basic operating expenses and the aforementioned amount for CTBT that are identified in the financial plan will be subject to section 605 of this Act. Any variation from the plan that falls within the reprogramming criteria of section 605, including spending for activities that do not constitute operating expenses, shall be subject to reprogramming. If the Agency is contemplating changes to its financial plan, the Agency is expected to consult with the Committees to determine whether those changes fall within the reprogramming criteria prior to undertaking such changes.

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

The conference agreement includes a rescission of $700,000 of no-year funds available to ACDA that were not expended as of the end of fiscal year 1997. This rescission was not included in either the House or Senate bills.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

The conference agreement includes $427,097,000 for International Information Programs of the United States Information Agency (USIA) as proposed in the Senate bill, instead of $430,597,000, as proposed in the House bill. All other bill language, which is identical in the House and Senate bills, is included in the conference agreement, except for one modification to assure that fees from educational advising and counseling, and exchange visitor program services may be credited to this appropriation in the absence of an authorization. The conferees intend that the remaining program direction included in both the House and Senate reports be followed.

TECHNOLOGY FUND

The conference agreement includes $5,050,000 for the Technology Fund, as proposed in the House bill, instead of $10,000,000 as proposed in the Senate bill. The conferees intend that the program direction included in the House Report be followed.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $197,731,000 for Educational and Cultural Exchange Programs, instead of $193,731,000 as proposed in the House bill, and instead of $200,000,000 as proposed in the Senate bill. The conference agreement also provides that not to exceed $800,000 may be credited to this appropriation from fees and other payments. The conference agreement includes bill language which ensures that fees from educational advising and counseling may be credited to this appropriation in the absence of an authorization.

The conferees intend that within this amount, $94,236,000 shall be for Fulbright Academic Exchanges, and $103,495,000 shall be for other exchange programs and support. USIA shall provide funds for the Mansfield Fellowships, the Irish Management Center, and the U.S./Mexico Conflict Resolution Center at the levels provided in the Senate report.

The conferees expect that a proposal for the distribution of the available resources among exchange programs will be submitted through the normal reprogramming process prior to final decisions being made. This distribution should include funding, to the maximum extent possible, for all programs specifically mentioned in the House and Senate reports. In addition, the conferees encourage USIA to consider proposals to fund exchanges and exchange-related activities in support of the Women's World Cup and the Vietnam Challenge multi-sport event.

With respect to exchanges with the newly independent states of the former Soviet Union, the conferees expect that funding will be distributed equitably among high-school, college, graduate, and post-graduate programs.

The conferees understand that USIA plans to open up the administration of the Fulbright senior scholar program for competition in 1998. The conferees encourage USIA to conduct this and future competitions in such a way as to take maximum advantage of the unique competitive strengths of eligible exchange organizations that have expertise and experience in specific regions of the world.

The conferees expect that USIA will ensure that Federal funding for exchange programs will be used to support the actual exchange of participants to the maximum extent possible by cost-sharing with other governments, by entering into partnerships with private organizations that make available non-governmental resources, and by eliminating funding of administrative costs that do not demonstrably enhance the number or duration of exchanges.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Trust Fund in fiscal year 1998 to be used for necessary expenses of the Eisenhower Exchange Fellowships.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 1998 to be used for necessary expenses of the Israeli Arab Scholarship Program.

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $364,415,000 for International Broadcasting Operations, instead of $391,550,000 as proposed in the House bill, and instead of $339,655,000 as proposed in the Senate bill. The conference agreement adopts the approach proposed in the Senate bill for broadcasting to Cuba. No funds for broadcasting to Cuba are included under this account, as proposed by the House, but rather, all funding

for broadcasting to Cuba is included under a separate account, as proposed by the Senate, consistent with the fiscal year 1997 appropriations Act.

The conference agreement includes $24,960,000 for the expansion of broadcasting to China by Radio Free Asia and the Voice of America. The conference agreement includes bill language making $12,100,000 of this amount available until expended for one-time capital costs associated with this initiative. The conference agreement does not include the Senate report language earmarking $20,000,000 for Radio Free Asia. USIA and the Broadcasting Board of Governors shall provide the Committees with a detailed plan for expenditure of funds for the expansion of broadcasting to China for consideration under usual reprogramming procedures.

Within the total amount provided for international broadcasting operations, the conferees agree that $4,000,000 shall be for the development of a Farsi-language surrogate broadcasting service to Iran.

The conference agreement does not include language in the Senate bill making not to exceed $10,000,000 available only on a dollar-for-dollar basis when matched with the proceeds of sales of advertising air time. The conference agreement includes bill language providing not to exceed $2,000,000 from advertising receipts and revenue from business ventures; not to exceed $500,000 in receipts from cooperating international organizations; and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, as proposed in the House bill. The conference agreement includes a modification to the House bill language to ensure that receipts may be credited to this appropriation in the absence of an authorization.

The conferees expect that the Committees will be notified of the final distribution of funding among the activities under this account pursuant to the normal reprogramming procedures. To the extent that reductions are necessary, the conferees urge that priority be given to reductions to administrative costs and functions which do not have direct impacts on language service broadcast hours.

BROADCASTING TO CUBA

The conference agreement includes $22,095,000 for Broadcasting to Cuba under a separate account, as proposed in the Senate bill, instead of the same amount within the total for International Broadcasting Operations, as proposed in the House bill.

RADIO CONSTRUCTION

The conference agreement includes $40,000,000 for Radio Construction, as proposed in the House bill, instead of $32,710,000, as proposed in the Senate bill. This account provides funding for the following activities: maintenance, improvements, replacements and repairs; satellite and terrestrial program feeds; engineering support activities; and broadcast facility leases and land rentals.

The conference agreement includes $10,000,000 to support the expansion of broadcasting to China, and includes the guidance and reporting requirements contained in the House report.

EAST-WEST CENTER

The conference agreement includes $12,000,000 for operations of the East-West Center, instead of no funds, as proposed in the House bill, and $22,000,000, as proposed in the Senate bill. Within this amount, the conferees agree that $125,000 shall be for a grant to support efforts by the Maui Pacific Center to help Pacific nations maintain fish stocks.

NORTH/SOUTH CENTER

The conference agreement includes $1,500,000 for operations of the North/South Center, instead of no funds, as proposed in the House bill, and $3,000,000, as proposed in the Senate bill.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $30,000,000 for the National Endowment for Democracy, as proposed in both the House and Senate bills.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

Section 401.—The conference agreement includes section 401, as provided in the House bill, permitting use of funds for allowances, differentials, and transportation. The Senate bill contained a similar provision, with minor technical changes.

Sec. 402.—The conference agreement includes section 402, as provided in the House bill, dealing with transfer authority. The Senate bill contained a similar provision, with minor technical changes.

Sec. 403.—The conference agreement includes section 403, waiving provisions of existing legislation that require authorizations to be in place for the State Department, the United States Information Agency, including International Broadcasting Operations, and the Arms Control and Disarmament Agency prior to the expenditure of any appropriated funds. The Senate bill included a provision under section 403 stating that the U.S. Commissioner of the International Boundary Commission, U.S. and Canada, can be compensated only for actual hours worked. This provision is not included in the conference agreement, since the language included in the fiscal year 1997 appropriations Act on this matter was permanent in effect. The House bill contained no provision on either of these matters.

Sec. 404.—The conference agreement includes a provision similar to provisions included in the House bill as sections 403 and 404 and in the Senate bill as section 406, establishing procedures and amounts for implementation of the International Cooperative Administrative Support Services (ICASS) program. The conference agreement provision provides for a transfer of $2,800,000 less than was included in the House and Senate bills, and reduces the amounts transferred to other agencies by a like amount to take account of foreign exchange rate gains. The transfer of $109,662,000 to other appropriations in fiscal year 1998 provides the necessary additional resources for administrative expenses paid out of those accounts in order to permanently shift ongoing budgetary responsibility to them.

The Senate bill contained as section 404 a provision that required costs incurred from personnel reductions taken in response to funding reductions in this Title to be absorbed within the total resources available to the agencies under this Title, and, subject to reprogramming procedures, permitting funds to be transferred between accounts to cover such costs. The House bill did not contain a similar provision. The conference agreement includes a provision that provides these authorities for all agencies funded under this Act under Title VI.

Sec. 405.—The conference agreement includes a provision to allow payment of a border equalization adjustment to approximately 20 employees of the Department of State and other agencies who are not members of the Foreign Service, live in the United States, but commute to work in locations in Mexico and Canada. This section will equalize pay for these employees based on the locality pay rates paid for service performed in the United States within the locality pay areas closest to the employees' foreign duty station.

The Senate bill included a provision under section 405 relating to certification of activities relating to Vietnam's cooperation on issues relating to prisoners of war and missing in action. The conference agreement addresses this issue under Title VI.

The conference agreement includes a short title for Title IV of the bill, as included in the Senate bill. The House bill did not include a short title.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

The conference agreement includes $51,030,000 for payment of obligations incurred for the Maritime Administration (MARAD) operating differential subsidy program, as proposed in the House bill, instead of $135,000,000 as proposed in the Senate bill.

MARITIME SECURITY PROGRAM

The conference agreement includes $35,500,000 for the Maritime Security Program (MSP) as proposed in the House bill, instead of $35,000,000 as proposed in the Senate bill. This program, funded under the allocation for national security programs, provides payments to maintain and preserve a U.S.-flag merchant fleet for the national security needs of the United States.

OPERATIONS AND TRAINING

The conference agreement includes $67,600,000 for the Maritime Administration Operations and Training account instead of $65,000,000 as proposed in the House bill instead of $69,000,000 as proposed in the Senate bill. Within this amount, the conferees intend that $31,500,000 shall be for the operation and maintenance of the U.S. Merchant Marine Academy, and that $7,100,000 shall be for State Maritime Academies. The conference agreement does not specifically allocate the balance of the funds in this account among operating programs, general administration and additional training. The conferees expect that MARAD will submit to the Committees on Appropriations a plan for the expenditure of resources under this account.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides $32,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program instead of $35,000,000 as proposed in the House bill, and $29,000,000 as proposed in the Senate bill. This amount will subsidize a program level of not more than $1,000,000,000 as proposed in both the House and Senate bills.

The conferees have also included $3,725,000 for administrative expenses associated with the Maritime Guaranteed Loan Program, instead of $3,450,000 as proposed in the House bill, and $4,000,000 as proposed in the Senate bill. These amounts may be transferred to and merged with amounts under the MARAD Operations and Training account.

ADMINISTRATIVE PROVISIONS-MARITIME ADMINISTRATION

The conference agreement includes provisions contained in both the House and Senate bills involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides $250,000 for the Commission for the Preservation of America's Heritage Abroad as proposed in the House bill, instead of $206,000 as proposed in the Senate bill.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes $8,740,000 for the salaries and expenses of the Commission on Civil Rights, as proposed in both the House and Senate bills.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

The conference agreement includes $459,000 for the Commission on Immigration Reform as proposed in the Senate bill, instead of $496,000 as proposed in the House bill.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes $1,090,000 for the Commission on Security and Cooperation in Europe, as proposed in both the House and Senate bills.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $242,000,000 for the salaries and expenses of the Equal Employment Opportunity Commission as proposed in the Senate bill, instead of $239,740,000 as proposed in the House bill.

Within the total amount, the conference agreement includes $27,500,000 for payments to State and local enforcement agencies for services to the Commission, as provided in both the House and Senate bills.

The conferees agree with concerns expressed in both the House and Senate reports about the large backlog of cases, and about the allocation of scarce resources to litigation by the Commission in discrimination cases where complainants are already adequately represented by counsel in other fora. The conferees expect that the Commission's first priority will be the processing of charges, and urge that the Commission target its manpower and financial resources toward the prosecution of cases in which the underlying facts are not the subject of independent litigation before the private bar. The conferees further expect the Commission to submit reports as indicated in the House report.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total of $186,514,000 for the salaries and expenses of the Federal Communications Commission (FCC) instead of $177,079,000 as proposed in the House bill, and $185,949,000 as proposed in the Senate bill. Of the amounts provided, $162,523,000 is to be derived from offsetting fee collections, as proposed in the Senate bill, instead of $152,523,000 recommended in the House bill, resulting in a net direct appropriation of $23,991,000, instead of $24,556,000 included in the House bill, and $23,426,000 included in the Senate bill.

The conference agreement includes language in both the House and Senate bills, and included in previous appropriations Acts, allowing fees in excess of the amounts specified to remain available for expenditure in future years. In addition, language is also included, as recommended in the House bill and included in previous appropriations Acts, allowing funds provided for research and policy studies to remain available for two years. The Senate bill made such funds available for one year.

The conferees are concerned about allegations which have been made regarding the proposed move of the FCC to the Portals building. Among the issues concerning the conferees are the recent actions by the FCC and the General Services Administration (GSA) to increase the size of the space to be occupied at the Portals above the congressionally-approved prospectus. This expansion has significantly increased the cost of the FCC's lease. The conferees are also concerned about the significant delays in the construction schedule. In the fiscal year 1997 budget submission, the FCC expected to be moved into the new Portals building in December 1997. The move is now slated to begin in March 1998. Therefore, the conferees request that the General Accounting Office (GAO) review these and other concerns about the Portals lease and the proposed FCC move and report back to the Congress no later than January 31, 1998.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $14,000,000 for the salaries and expenses of the Federal Maritime Commission, instead of $13,500,000 as proposed in the House bill and $14,300,000 as proposed in the Senate bill.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total operating level of $106,500,000 for the Federal Trade Commission, instead of $105,000,000 as proposed in the House bill and $108,000,000 as proposed in the Senate bill. The conference agreement assumes that of the amount provided, $70,000,000 will be derived from fees collected in fiscal year 1998 and $18,000,000 will be derived from estimated unobligated fee collections available from 1997. These actions result in a final appropriated level of $18,500,000, instead of $19,000,000 as proposed in the House bill and $28,000,000 as proposed in the Senate bill.

Use of any unobligated fee collections from 1997 above $18,000,000 are subject to the reprogramming requirements outlined in section 605 of this Act.

The conferees urge the Commission to retain the current standard for ''Made in U.S.A.'' as stated in the House report.

The conferees are aware of concerns about the impact of alcohol advertising on underage drinking, and understand that the FTC is engaged in the ongoing monitoring of the advertising and marketing practices of manufacturers of beverage alcohol. The conferees expect the FTC to emphasize these activities, investigate when problematic practices are discovered, encourage the development of effective voluntary advertising codes, and report their findings back to the Committees on Appropriations.

GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $1,000,000 for the salaries and expenses of the Gambling Impact Study Commission as proposed in the Senate bill, instead of no funding, as proposed in the House bill.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $283,000,000 for payment to the Legal Services Corporation, instead of $250,000,000 as proposed in the House bill, and $300,000,000 as proposed in the Senate bill.

The conference agreement provides $274,400,000 for grants to basic field programs and independent audits, $7,100,000 for management and administration, and $1,500,000 for the Office of the Inspector General.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The conference agreement contains language, included in both the House and Senate bills, continuing all statutory requirements and restrictions included in the fiscal year 1997 appropriations Act.

In addition, the conference agreement includes new provisions in section 501, as contained in the House bill, providing additional authority to the Corporation to terminate a grant award and institute a new grant competition if the existing grantee has been found to be in violation of statutory and regulatory requirements and restrictions. The Senate bill contained similar provisions. In addition, provisions are included in section 504, as contained in the House bill, to allow the Corporation to debar grantees from the competitive bid process in certain circumstances. The Senate bill contained similar provisions.

The conference agreement includes a provision, section 505, proposed in the House bill but not addressed in the Senate bill, requiring certain public disclosure reporting requirements related to litigation initiated by grantees of the Legal Services Corporation.

The conference agreement also includes a provision, section 506, proposed in the Senate bill but not addressed in the House bill, to ensure that income eligibility determinations in cases of domestic violence are made only on the basis of the assets and income of the individual. The conferees are aware that the current statute and regulations of the Legal Services Corporation already provide for such determinations to be made in all cases, including domestic violence. However, given concerns regarding access to the legal system for victims of domestic violence, the conferees have included this provision to provide greater clarity regarding this matter. However, the conferees do not intend to in any way preclude such eligibility determinations in other cases made in accordance with current regulations and statute.

The conference agreement makes several technical changes to correct statutory citations and other technical differences included in the House and Senate bills.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $1,185,000 for the salaries and expenses of the Marine Mammal Commission instead of $1,000,000 as proposed in the House bill, and $1,240,000 as proposed in the Senate bill.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total operating level of $315,000,000 for the Securities and Exchange Commission as proposed in the House bill, instead of $317,412,000, as proposed in the Senate bill. The conference agreement includes bill language providing offsetting fees in accord with levels authorized in the National Securities Markets Improvement Act of 1996. These offsetting fees are expected to provide $249,523,000 in fiscal year 1998. In addition, the conference agreement assumes the use of $32,000,000 in carryover funds from fiscal year 1997. These offsets result in a net direct appropriation of $33,477,000 as proposed in the House bill, instead of $35,889,000, as proposed in the Senate bill.

The conference agreement does not contain a provision in the House bill that fees collected in excess of $249,523,000 shall remain available until expended, but shall not be available for obligation until October 1, 1998. These fees will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides an appropriation of $254,200,000 for the Small Business Administration (SBA) Salaries and Expenses account, instead of $235,047,000 as proposed in the House bill, and $246,100,000 as proposed in the Senate bill.

In addition to amounts made available under this heading, the conference agreement includes $94,000,000 for administrative expenses under the Business Loans Program Account and $150,000,000 for administrative expenses under the Disaster Loans Program account. These amounts are transferred to and merged with amounts available under Salaries and Expenses, resulting in total funding of $498,200,000 for SBA operating programs, noncredit and other initiatives.

The conference agreement provides a total of $133,250,000 for SBA's regular operating expenses under this account, an increase of $13,049,000 above the fiscal year 1997 level. This increase is provided as follows: $2,000,000 is for necessary expenses to implement the HUBZone proposal; $3,049,000 is for adjustments to base, including the full amount requested for Low Documentation processing centers; and $8,000,000 is provided for initiatives to improve SBA's management and oversight of its loan portfolio. The increase for portfolio management and oversight is to be distributed as follows: (1) $1,750,000 for staff and training for the Office of the Chief Financial Officer; (2) $200,000 for SBA to contract with a private entity to provide technical and management support in developing and implementing a plan for modernization of SBA's information resource management systems; and (3) $6,050,000 for information resource management systems. The conferees direct the SBA to submit a spending plan in accordance with section 605 of this Act prior to the expenditure of funds provided for these initiatives. Further, the conferees direct the SBA, with the exception of the Disaster Loans program, to reduce its travel by 50 percent from the fiscal year 1997 level.

The conference agreement includes the following amounts for noncredit programs:

Small Business Development Centers	$75,800,000
SBDC Defense Transition	2,000,000
7(j) Technical Assistance	2,600,000
SCORE	3,500,000
Business Information Centers	500,000
Women's Demonstration	4,000,000
Women's Council	350,000
EZ/EC One Stop Capital Shops	3,100,000
Microloan Technical Assistance	14,500,000
US Export Assistance Centers	3,100,000
Regulatory Fairness Boards	500,000
Total	109,950,000

Small Business Development Centers (SBDC).—Of the amounts provided for SBDCs, the conferees have included $1,000,000 to be used for the Environmental Compliance Project as directed in the House report, and $35,000 for an Internet commerce study as directed in the Senate report. In addition, the conference agreement provides a $1,300,000 increase to be used to provide a minimum allocation of $500,000 for all States able to meet the appropriate matching requirements. The conferees do not intend for any State's allocation to be reduced from its fiscal year 1997 allocation under the current funding formula, and direct SBA to submit a reprogramming if additional funds are required to ensure that all eligible states receive the $500,000 minimum allocation without reducing other States' funding.

In addition, the conference agreement includes language, as proposed in the House bill, making funds for the SBDC program available for two years.

Women's Demonstration and Women's Council.—The conferees provide funding for the Women's Demonstration Business Centers program at the requested level of $4,000,000. The conferees intend that fourth year funding be provided for eligible existing sites subject to authorization, that new centers started in fiscal year 1997 will be funded at no less than their current level, and that three new sites will be added.

Of the amounts provided for the Women's Council, $100,000 is to be used for federal procurement research projects included in the Senate report. In addition, the conferees direct that no more than 10% of the total amount provided for Women's Council activities be used for SBA administrative expenses and overhead charges.

Microloan Technical Assistance.—The conference agreement provides a total availability of $16,500,000 for the Microloan Technical Assistance program in fiscal year 1998, the same level as recommended in both the House and Senate bills. Of these amounts, $14,500,000 is provided in direct appropriations and $2,000,000 is to be derived by transfer from the unobligated balances in the Microloan Direct loan program, as provided in the House bill and requested in the budget. The Senate bill provided $16,500,000 in direct appropriations and did not assume this transfer of funds.

The conference agreement provides no funds for Advocacy Research. However, the conferees would be willing to entertain a reprogramming subject to section 605 of this Act to maintain activities approved in fiscal year 1997. In addition, the conference agreement includes no funds for the Survey of Women Owned Businesses, but would be willing to entertain a reprogramming subject to section 605 of this Act for this activity.

The conference agreement adopts language included in the House report directing the SBA to continue activities assisting small businesses to adapt to a paperless procurement environment, as well as activities which assist small businesses in making the transition to meet both military and ISO 9000 quality systems requirements.

In addition, the conference agreement includes the following small business initiatives: $3,000,000 for infrastructure to develop a facility for small business development; $3,000,000 for continuation of an outreach program to assist small business development; $2,000,000 to develop a facility to increase small business opportunities and economic development; $1,500,000 to develop a facility and operate an institute for small business and workforce development; $1,000,000 for continuation of a small business incubator; and $500,000 for continuation of a program for small business consulting and technical assistance.

Further, the conferees expect that all procurement center representatives will report to the Area Directors of the Government Contracting Area Offices.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $10,000,000 for the SBA Office of Inspector General, instead of $9,490,000 as proposed in the House bill and $10,600,000 recommended in the Senate bill.

Further, as proposed in both the House and Senate bills, 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 oversight of the disaster loans program.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes $181,232,000 in subsidy appropriations under the SBA Business Loans Program Account, the same amount recommended in the Senate bill, instead of $187,100,000 as proposed in the House bill, and $173,235,000 as requested in the budget. Of these amounts, $45,000,000 is to remain available for two years, as proposed in the House bill.

7(a) General Business Loans.—The conference agreement provides $161,000,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, as proposed in the Senate bill, instead of $167,000,000 as proposed in the House bill, and $153,003,000 requested in the budget. When combined with $35,700,000 in prior year unobligated balances and additional recoveries, this amount will subsidize a program level of $10,191,710,000 at the fiscal year 1997 subsidy rate of 1.93%, instead of an $8,500,000,000 program level requested in the President's budget. In addition, the conference agreement includes a new provision, not included in either the House or Senate bills requiring the SBA to notify the Committees on Appropriations in accordance with section 605 of this Act prior to providing a total program level greater than $10,000,000,000.

Small Business Investment Companies (SBIC).—The conference agreement provides $20,232,000 for the SBIC debenture and participating securities programs, as proposed in the Senate bill, instead of $20,100,000 as proposed in the House bill. Of these amounts, for the participating securities program, $11,580,000 is provided in subsidy appropriations which, when combined with $5,800,000 in prior year carryover, will result in a total program level of $684,253,000 in fiscal year 1998. In addition, for the debentures program, $8,652,000 is provided which, when combined with $3,800,000 in prior year carryover, will result in a total program level of $541,391,000 in fiscal year 1998.

Microloan Direct and Guaranty Programs.—The conference agreement does not include new appropriations for the Microloan Direct Loan Program or the Microloan Guaranty Program, as none was requested. The conferees assume that $2,000,000 of the $6,000,000 in carryover in the Direct Loan Program will be transferred to the Salaries and Expenses Account for Microloan Technical Assistance Grants, with the remainder to be used for direct loans in fiscal year 1998. In addition, the conferees assume that the $3,800,000 in carryover in the Guaranty Program will be used for guaranteed loans in fiscal year 1998. The conferees expect the SBA to follow the reporting requirement included in the House report regarding this program.

In addition, the conference agreement includes $94,000,000 for administrative expenses to carry out the direct and guaranteed loan programs, as proposed in both the House and Senate bills, and makes such funds available to be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes a total of $173,200,000 for this account, of which $23,200,000 is for the subsidy costs for disaster loans, and $150,000,000 is for associated administrative expenses. The Senate bill provided $173,200,000 only for administrative expenses, as requested in the budget, while the House bill provided a total of $199,100,000 for both loan subsidy costs and associated administrative expenses.

For disaster loans, the conference agreement assumes that the $23,200,000 subsidy appropriation, when combined with $185,000,000 in carryover balances, will provide a total disaster loan program level of $887,468,000. The conferees note that the budget requested no funds for the disaster loan program, proposed to increase the interest rate charged to disaster loan victims, a proposal which has been rejected previously by the Congress, and requested a program level of only $785,000,000, a level well below the average need in previous fiscal years. The conferees believe the Administration should take actions to more realistically assess the level of

need for the disaster loans program and budget accordingly. Therefore, to ensure sufficient funds are available for disaster victims, the conferees have included additional appropriations in fiscal year 1998 for disaster loans, while reducing the amounts available for administrative overhead.

The conference agreement includes $150,000,000 for administrative expenses for the disaster loans program, instead of $173,200,000 as requested in the budget. The conferees expect any shortfall in these funds to be made up through additional recoveries throughout the year. The conferees remind SBA that such recoveries are subject to the reprogramming procedures set forth in section 605 of this Act.

Of the amounts provided for administrative expenses, $500,000 is to be transferred to and merged with the Office of Inspector General account for oversight and audit activities related to the disaster loans program.

SURETY BOND GUARANTEES REVOLVING FUND

The conference agreement provides $3,500,000 for additional capital for the SBA Surety Bond Guarantees Revolving Fund as proposed in both the House and Senate bills.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes a provision providing SBA with the authority to transfer funds between appropriations accounts, as provided in both the House and Senate bills.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement provides $6,850,000 for the salaries and expenses of the State Justice Institute (SJI) instead of $3,000,000 as proposed by the House, and $13,550,000 as proposed by the Senate.

TITLE VI-GENERAL PROVISIONS

The conference agreement includes the following general provisions:

Section 601.—The conference agreement includes section 601, identical in both the House and Senate versions of the bill, regarding the use of appropriations for publicity or propaganda purposes.

Section 602.—The conference agreement includes section 602, identical in both the House and Senate versions of the bill, regarding the availability of appropriations for obligation beyond the current fiscal year.

Section 603.—The conference agreement includes section 603, identical in both the House and Senate versions of the bill, regarding the use of funds for consulting services.

Section 604.—The conference agreement includes section 604, identical in both the House and Senate versions of the bill, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

Section 605.—The conference agreement includes section 605, as included in the House version of the bill and similar to the provision in the Senate version of the bill, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes.

Section 606.—The conference agreement includes section 606, identical in both the House and Senate versions of the bill, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Section 607.—The conference agreement includes section 607 regarding the purchase of American-made products, as provided in both the House and Senate bills.

Section 608.—The conference agreement includes section 608 which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October, 1993, as provided in both the House and Senate bills.

Section 609.—The conference agreement includes a provision, which modifies language proposed in the House bill as section 609 and in the Senate bill as section 405, that prohibits use of funds to expand U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues. The conference agreement applies this provision to this fiscal year and to funds provided in this Act, as proposed in the House bill, instead of permanent and to funds provided in this or any other Act, as proposed in the Senate bill.

It requires that the President make the certification within 60 days, as proposed in the House bill, instead of within 60 days of the beginning of each fiscal year, as proposed in the Senate bill.

It requires that the President certify that Vietnam is fully cooperating in good faith, instead of cooperating in full faith as proposed in the House bill, and fully cooperating as proposed in the Senate bill.

It requires that the certification be based on all information available to the United States Government as proposed in the House bill instead of based on a formal assessment of all information available to the United States Government as proposed in the Senate bill.

And it requires that an additional issue be included in the certification, namely, that relevant material associated with prisoners of war and missing in action recovered from Southeast Asia and available to the U.S. government is being thoroughly analyzed by the appropriate laboratories with the intent of providing surviving relatives with scientifically defensible, legal determinations of death or other accountability that are fully documented and available in unclassified and unredacted form to immediate family members, as proposed in the Senate bill, instead of no language on this issue, as proposed in the House bill. The conferees note that preparing material with the intent to provide does not mean actually providing such material, if doing so would violate existing laws or national security concerns. The conferees do not intend that actions taken with respect to the directives in the bill on the intent to provide unclassified and unredacted materials to family members violate either existing laws or national security policies. The purpose of this last certification criterion is to reinforce the valuable and important work that is being carried out by the individuals, task forces and laboratories under the most difficult of circumstances, and to ensure that they have sufficient resources to carry out their work. With sufficient resources, these laboratories can carry out their mission of analyzing evidence and providing information to surviving relatives, a mission they are currently carrying out with great professionalism and dedication.

Sec. 610.—The conference agreement includes section 610, which repeats language contained in the fiscal years 1996 and 1997 appropriations Acts, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

Sec. 611.—The conference agreement includes section 611 which prohibits the use of funds to provide certain amenities for Federal prisoners as provided for in both the House and Senate bills.

Sec. 612.—The conference agreement includes a modified version of section 612 restricting the use of funds provided under the National Oceanic and Atmospheric Administration Fleet Modernization account proposed in the House bill. The Senate bill deleted this provision. The modification permits NOAA to develop long term plans to support its fisheries research requirements.

Sec. 613.—The conference agreement includes section 613, as proposed in the House bill, which requires agencies and Departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or Department. The Senate bill included this same provision as section 610.

Sec. 614.—The conference agreement includes section 614, which prohibits funds made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material to a prisoner when it is made known that such information or material is sexually explicit or features nudity. Both the House and the Senate bills included this section, but the Senate bill included this as section 611.

Sec. 615.—The conference agreement includes section 615, similar to language proposed by the House bill and proposed by the Senate bill under section 120, which limits funding under the Local Law Enforcement Block Grant to 90 percent, to an entity that does not provide public safety officers injured in the line of duty and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty. The language has been modified to clarify the expected level of health benefits intended by the provision.

Sec. 616.—The conference agreement includes section 616, which prohibits funds available in this Act from being used to issue or renew a fishing permit or authorization for any vessel more than 165 feet long or greater than 750 gross tons, and with more than 3,000 shaft horsepower to engage in fishing for Atlantic mackerel or herring. In addition, vessels above these thresholds are prohibited from engaging in the catching, taking, or harvesting of fish in any other fishery within the United States exclusive economic zone (EEZ) (except territories) unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997 and such endorsement is still valid. In addition, language is included to nullify any fishing permit or authorization issued prior to enactment of this Act for vessels prohibited under this section from engaging in the fishing of Atlantic mackerel or herring, and prohibiting funds from being expended to issue a new permit or authorization to allow such a vessel whose Atlantic mackerel or herring permit has been nullified under this section from engaging in the catching, taking, or harvesting of fish in any other fishery within the U.S. EEZ. The House bill contained a provision prohibiting vessels of such length from fishing in the Atlantic herring or mackerel fishery. The Senate bill contained no provision addressing these matters.

Sec. 617.—The conference agreement includes section 617, similar to language proposed in the House bill, that allows persons who prevail in a Federal criminal case to recover attorney's fees and other litigation costs if the court finds that the position of the United States was vexatious, frivolous or

in bad faith. The conferees understand that a grand jury finding of probable cause to support an indictment does not preclude a judge from finding that the government's position was vexatious, frivolous or in bad faith. The provision provides that the procedures and limitations of the Equal Access to Justice Act apply, except with regard to burden of proof, and that certain evidence may be received ex parte and in camera and kept under seal for the court to make this determination. Fees and expenses awarded under this provision shall be paid by the agency over which the party prevails, from any funds made available by appropriation to the Department of Justice.

Sec. 618.—The conference agreement includes a provision, Section 618, as contained in the House bill, prohibiting funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type.

The conferees do not intend for this provision to prevent the United States Government from taking necessary actions in accordance with the requirements and remedies available under applicable U.S. trade laws and international trade agreements to ensure non-discriminatory treatment of U.S. products. Further, the conferees do not intend to prohibit the use of funds for routine international trade services available to all U.S. citizens such as the provision of publicly available information on foreign country conditions and policies, information or assistance that may help U.S. firms or individuals comply with foreign government laws or regulations, the processing of export trade certificate of review applications, and assistance in assuring fair treatment of U.S. companies by foreign governments in transactions such as customs clearance and intellectual property rights enforcement.

Sec. 619.—The conference agreement includes a provision prohibiting the use of funds to pay for the expenses of an election officer appointed by the court to oversee the election of any officer or trustee of the International Brotherhood of Teamsters, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

Sec. 620.—The conference agreement includes section 620, numbered as section 612 in the Senate bill, which repeals a portion of a 1900 appropriations Act which prohibited telegraph or cable lines owned by foreign citizens or foreign corporations or governments from being established or permitted to enter Alaska. The House bill contained no similar provision.

Sec. 621.—The conference agreement includes section 621, similar to section 613 of the Senate bill, which prohibits funds from being used to issue a visa to any alien involved in extrajudicial and political killings in Haiti. Specifically, the provision prohibits issuance of a visa to any person who (1) has been credibly alleged to have ordered, carried out, or assisted in extrajudicial and political killings of 16 named individuals; (2) was included in the list presented to former President Aristide by former National Security Advisor Anthony Lake; (3) was sought by the FBI in relation to political or extrajudicial killings; (4) was involved in the September 1991 coup or murders occurring between 1991 and 1994; or (5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH. The provision gives the Secretary of State authority to make exceptions on a case-by-case basis. The provision also includes several reporting requirements by the Secretary of State to the House International Relations and Appropriations Committees and the Senate Foreign Relations and Appropriations Committees. The House bill contained no similar provision.

The conference agreement does not include a provision included in the House bill as section 621, which would have prohibited the expenditure of funds to conduct research on the medicinal use or legalization of marijuana or any other schedule I drug. The conferees understand the Department of Justice has no intention of conducting any research of this nature and direct the Attorney General to notify the Committees on Appropriations of both the House and Senate under the reprogramming procedures set forth in section 605 of the Act, should any intention to study this matter arise.

Sec. 622.—The conference agreement includes a provision, section 622, not included in either the House or Senate bills, repealing section 3006 of P.L. 105-33 regarding the withholding of payments to the Universal Service Fund.

Sec. 623.—The conference agreement includes a provision, section 623, not included in either the House or Senate bills, requiring the Federal Communications Commission (FCC) to review and report to the Congress no later than April 10, 1998 regarding implementation of the universal service provisions of the Telecommunications Act of 1996.

Sec. 624.—The conference agreement includes a technical correction relating to the fiscal year 1998 Interior Appropriations bill changing the quorum requirement of the National Council of the Arts to 8.

Sec. 625.—The conference agreement includes a technical correction relating to the fiscal year 1998 Legislative Appropriations bill authorizing the appropriation for the Senate Drug Caucus.

Sec. 626.—The conference agreement includes a provision providing for the sale, at fair market value, of the existing fleet of leased vehicles at the Naval Petroleum Reserve Numbered 1 (Elk Hills) to the successful buyer of the Reserve, with the proceeds from such sales to be returned to the General Services Administration's ''General Supply Fund.''

Sec. 627.—The conference agreement includes a technical correction relating to the National Indian Gaming Commission in connection with the fiscal year 1998 Interior Appropriations bill.

Sec. 628.—The conference agreement includes a provision regarding relief for an individual who failed to file a timely appeal of dismissal with the Department of Agriculture.

Sec. 629.—The conference agreement includes a provision which permits previously appropriated funds to be used in conjunction with the Small Business Investment Act of 1958.

Sec. 630.—The conference agreement includes a provision to permit the White Mountain National Forest (WMNF) to proceed with developing its next Forest Plan. The conferees recognize that WMNF is a heavily visited National forest and its last Forest Plan was completed in 1986. The Forest Plan is due to be revised every ten to fifteen years and is essential to the welfare and health of the forest. The WMNF has a long and successful history of achieving a wide consensus balancing wildlife habitat, wilderness protection, clean water and viable timber industry. The conferees allow the WMNF to proceed with revising its Forest Plan.

Sec. 631.—The conference agreement includes a provision to allow the nomination of a Federal Election Commissioner to move forward.

Sec. 632.—The conference agreement includes a provision relating to a land transfer by the Secretary of Energy to Los Alamos County, New Mexico and to the Secretary of Interior, in trust for the Pueblo of San Ildefonso.

Sec. 633.—The conference agreement includes a provision providing authority to the Secretary of Agriculture to use up to $6,000,000 from the sale of grain in the disaster reserve to implement a livestock indemnity program to pay for losses from natural disasters pursuant to a Presidential or Secretarial declaration.

Sec. 634.—The conference agreement includes a provision providing that up to $800,000 from funds available to the Department of Defense (DOD) in fiscal year 1998 may be used to compensate for commercial cranberry crop losses resulting from environmental contamination near the Massachusetts Military Reservation (''MMR''), in bogs fed by groundwater contaminated by athylene dibromide (''EDB'') emanating from MMR. DOD may provide compensation if a claimant demonstrates a commercial loss in 1997 of cranberry crops in the Mashpee or Falmouth bogs, located on the Quashnet and Coonamessett rivers, respectively, if DOD determines that the loss results from the presence of EDB in or on cranberries in either of those bogs from the EDB-contaminated plumes of groundwater known as ''FS 1'' or ''FS 28.''

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(Rescission)

The conference agreement includes a rescission of $100,000,000 from unobligated balances under this heading, instead of $30,310,000 as proposed in the Senate bill. The House bill did not include a rescission from this account.

TITLE VIII—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $7,000,000 in emergency supplemental appropriations, not included in either the House or Senate bills, to provide emergency disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act for the Bristol Bay and Kuskokwim areas of Alaska.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follows:

New budget (obligational) authority, fiscal year 1997	$30,230,160,000
Budget estimates of new (obligational) authority, fiscal year 1998	35,657,937,000
House bill, fiscal year 1998	31,786,493,000
Senate bill, fiscal year 1998	31,653,555,000
Conference agreement, fiscal year 1998	31,816,907,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1997	+1,586,747,000
Budget estimates of new (obligational) authority, fiscal year 1998	−3,841,030,000
House bill, fiscal year 1998	+30,414,000
Senate bill, fiscal year 1998	+163,352,000

HAROLD ROGERS,
JIM KOLBE,
RALPH REGULA,
MIKE FORBES,
TOM LATHAM,
BOB LIVINGSTON,
ALAN B. MOLLOHAN,
DAVID E. SKAGGS
(except for sections 209, 210, 502, and 404),
JULIAN C. DIXON,
Managers on the Part of the House.

JUDD GREGG,
TED STEVENS,
PETE DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
BEN NIGHTHORSE CAMPBELL,
THAD COCHRAN,
FRITZ HOLLINGS,
DANIEL INOUYE,
DALE BUMPERS,
FRANK LAUTENBERG,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,
Managers on the Part of the Senate.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, THURSDAY, NOVEMBER 13, 1997 No. 160

Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Loving Heavenly Father, to know You is life's ultimate purpose; to trust You is our only peace; to serve You is our true joy. We praise You for the privilege of friendship with You. We humbly acknowledge that any good we have done, any progress we have made, and any accomplishments we have achieved are all because of Your indefatigable inspiration. There is no limit to the blessings You pour out on those who give You the glory. You have been the source of every creative thought, all crucial legislation, and any constructive compromise that has blended the best points of view. You are the source of unity in diversity and mutual trust that triumphs over competitive party spirit. When we are fearful, You give us courage; when we are under pressure, You flood our hearts with peace.

Thank You dear God for continuing to bless America, as You persist in empowering the women and men of this Senate to lead with vision. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today, the Senate will be in a period of morning business until 11 a.m. It is hoped that during today's session the Senate will be able to complete its business for the 1st session of the 105th Congress. I just talked to the Democratic leader and we agreed to push to accomplish that today. In fact, I read over the weekend a quote from General Eisenhower. When he was President he said, ''There are many problems in Washington, but one of the main reasons is we have too long been away from home.'' So I'm hoping that we will honor his admonition and go home at the close of business today for the balance of the year to be with our constituents.

NOTICE

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

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

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

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

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

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224.

By order of the Joint Committee on Printing.

JOHN WARNER, *Chairman.*

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

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As Members are aware, the House passed both the District of Columbia appropriations bill and the foreign operations conference reports last night. It is hoped that the Senate can voice vote those bills during today's session as we await House action on the Commerce, State, Justice appropriations conference report, and I expect them to accomplish that before late in the afternoon. In fact, I expect it to be in the early afternoon.

If a voice vote is not possible, then Members will be notified as to when we might have a rollcall vote or votes. Again, I think it would be in the best interests of the Senate at this time if we could do this with a voice vote. The so-called controversial positions in the District of Columbia bill and the foreign operations conference reports have been removed, and I believe an agreement has been reached with the administration on Commerce, State, and Justice with regard to items in that bill, as well as the provisions with regard to census.

If there are rollcall votes, I emphasize we will try to notify Members with at least a 4-hour advance notice and the time span that that vote might occur in. If we can't complete today with just voice votes then there is a possibility that we would have to go over until tomorrow if there is going to be a rollcall vote because I do think Members are entitled to significant advance notice so they can be sure to be here. Or, if we can't get it done in a reasonable way today or tomorrow, there is always next week, which would really begin to stretch what President Eisenhower had warned us against. In order to avoid that, we are going to need a very good attitude and a lot of cooperation. I think that is possible.

We are still working on the few remaining Executive Calendar items. There are only 15 or so nominations left on the calendar. We are hoping to clear some of those today, and then those that would require some debate or recorded votes would be scheduled early in the session when we come back next year.

Again, we need cooperation of the Senators that are here today, and between the leadership on both sides of the aisle so we can complete action. We accomplished a great deal over the weekend by voice vote and in our wrap-up. We passed a lot of really good bills. We still have a chance to get a conference report from the House on Amtrak, with only one major change, as I understand it—one I think the Senate could live with. That is the makeup of the board of Amtrak.

I remind our colleagues that we did pass and send to the President a fix with regard to the ISTEA transportation bill, that we did pass and send to the President the FDA reform package, as well as the foster care and adoption bill, and earlier had sent the Labor-HHS and education appropriations bill. So we are down, really, to these three final bills. There could be a fourth bill sent separately that would include the State Department reorganization, U.N. arrearage, IMF funds, as well as some language with regard to the Mexico City population control issue. If that bill could not be brought up or was objected to or filibustered, of course, we would not be able to get to a final vote on that. But the three key bills we need to bring up today are the three appropriations conference reports and we will notify Members when we will act on those and if any recorded votes are necessary.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an executive business meeting during the session of the Senate on Thursday, November 13, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, on behalf of my colleagues on the Judiciary Committee, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

Mr. DASCHLE. Mr. President, on behalf of my colleagues on the Judiciary Committee, on that, too, I must object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 2607) entitled ''An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.'', with the following amendments:

(1) On page 1, line 1, strike all through line 7

(2) On page 1, line 8, strike [The] and insert: *That the*

(3) On page 2, line 2, strike all from ''to'' through ''Act,'' on line 3

(4) On page 11, line 20, after the word ''fund'' insert: *described in section 172 of this Act*

(5) On page 12, line 8, strike [all]

(6) On page 34, line 16, after ''or'' insert: *previously*

(7) On page 44, line 15, before the period, insert:

, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects

(8) On page 46, after line 9, insert:

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1997, the District of Columbia Financial Responsibility and Management Assistance Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

(9) On page 47, line 21, strike [$5,000,000] and insert: *$12,000,000*

(10) On page 59, line 11, strike [(f)] and insert: *(e)*

(11) On page 77, line 17, strike all through page 78, line 2

(12) On page 78, after line 2, insert the following:

SEC. 166. Notwithstanding any other provision of Federal or District of Columbia law applicable to a reemployed annuitant's entitlement to retirement or pension benefits, the Director of the Office of Personnel Management may waive the provisions of section 8344 of title 5 of the United States Code for any reemployed annuitants appointed heretofore or hereafter as a Trustee under section 11202 or 11232 of the National Capital Revitalization and Self-Government Improvement Act of 1997, or, at the request of such a Trustee, for any employee of such Trustee.

SEC. 167. Section 2203(i)(2)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–504; D.C. Code 31–2853.13(i)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—

''(i) ANNUAL LIMIT.—Subject to subparagraph (B) and clause (ii), during calendar year 1997, and during each subsequent calendar year, each eligible chartering authority shall not approve more than 10 petitions to establish a public charter school under this subtitle.

''(ii) TIMETABLE.—Any petition approved under clause (i) shall be approved during an application approval period that terminates on April 1 of each year. Such an approval period may commence before or after January 1 of the

calendar year in which it terminates, except that any petition approved at any time during such an approval period shall count, for purposes of clause (i), against the total number of petitions approved during the calendar year in which the approval period terminates.''.

SEC. 168. Section 2205(a) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–122; D.C. Code 31–2853.15(a)) is amended by striking ''7,'' and inserting ''15,''.

SEC. 169. Section 2214(g) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–133; D.C. Code 31–2853.24(g)) is amended by inserting ''to the Board'' after ''appropriated''.

SEC. 170. Section 2401(b)(3)(B) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code 31–2853.41(b)(3)(B)) is amended—

(1) in clause (i), by striking ''or'';

(2) in clause (ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iii) to whom the school provides room and board in a residential setting.''.

SEC. 171. Section 2401(b)(3) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code 31–2853.41(b)(3)) is amended by adding at the end the following:

''(C) ADJUSTMENT FOR FACILITIES COSTS.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall adjust the amount of the annual payment under paragraph (1) to increase the amount of such payment for a public charter school to take into account leases or purchases of, or improvements to, real property, if the school, not later than April 1 of the fiscal year preceding the payment, requests such an adjustment.''.

SEC. 172. (a) PAYMENTS TO NEW CHARTER SCHOOLS.—Section 2403(b) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–140; D.C. Code 31–2853.43(b)) is amended to read as follows:

''(b) PAYMENTS TO NEW SCHOOLS.—

''(1) ESTABLISHMENT OF FUND.—There is established in the general fund of the District of Columbia a fund to be known as the 'New Charter School Fund'.

''(2) CONTENTS OF FUND.—The New Charter School Fund shall consist of—

''(A) unexpended and unobligated amounts appropriated from local funds for public charter schools for fiscal year 1997 and subsequent fiscal years that reverted to the general fund of the District of Columbia;

''(B) amounts credited to the fund in accordance with this subsection upon the receipt by a public charter school described in paragraph (5) of its first initial payment under subsection (a)(2)(A) or its first final payment under subsection (a)(2)(B); and

''(C) any interest earned on such amounts.

''(3) EXPENDITURES FROM FUND.—

''(A) IN GENERAL.—Not later than June 1, 1998, and not later than June 1 of each year thereafter, the Chief Financial Officer of the District of Columbia shall pay, from the New Charter School Fund, to each public charter school described in paragraph (5), an amount equal to 25 percent of the amount yielded by multiplying the uniform dollar amount used in the formula established under section 2401(b) by the total anticipated enrollment as set forth in the petition to establish the public charter school.

''(B) PRO RATA REDUCTION.—If the amounts in the New Charter School Fund for any year are insufficient to pay the full amount that each public charter school described in paragraph (5) is eligible to receive under this subsection for such year, the Chief Financial Officer of the District of Columbia shall ratably reduce such amounts for such year on the basis of the formula described in section 2401(b).

''(C) FORM OF PAYMENT.—Payments under this subsection shall be made by electronic funds transfer from the New Charter School Fund to a bank designated by a public charter school.

''(4) CREDITS TO FUND.—Upon the receipt by a public charter school described in paragraph (5) of—

''(A) its first initial payment under subsection (a)(2)(A), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 75 percent of the amount paid to the school under paragraph (3); and

''(B) its first final payment under subsection (a)(2)(B), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 25 percent of the amount paid to the school under paragraph (3).

''(5) SCHOOLS DESCRIBED.—A public charter school described in this paragraph is a public charter school that—

''(A) did not enroll any students during any portion of the fiscal year preceding the most recent fiscal year for which funds are appropriated to carry out this subsection; and

''(B) operated as a public charter school during the most recent fiscal year for which funds are appropriated to carry out this subsection.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out this subsection for each fiscal year.''.

(b) REDUCTION OF ANNUAL PAYMENT.—

(1) INITIAL PAYMENT.—Section 2403(a)(2)(A) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code 31–2853.43(a)(2)(A)) is amended to read as follows:

''(A) INITIAL PAYMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than October 15, 1996, and not later than October 15 of each year thereafter, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to section 2401(b) to a bank designated by such school.

''(ii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 75 percent of the amount of the payment under subsection (b).''.

(2) FINAL PAYMENT.—Section 2403(a)(2)(B) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code 31–2853.43(a)(2)(B)) is amended—

(A) in clause (i)—

(i) by inserting ''IN GENERAL.—'' before ''Except''; and

(ii) by striking ''clause (ii),'' and inserting ''clauses (ii) and (iii),'';

(B) in clause (ii), by inserting ''ADJUSTMENT FOR ENROLLMENT.—'' before ''Not later than March 15, 1997,''; and

(C) by adding at the end the following:

''(iii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 25 percent of the amount of the payment under subsection (b).''.

This title may be cited as the ''District of Columbia Appropriations Act, 1998''.

(13) On page 99, line 22, strike all through line 23

(14) On page 100, line 1, strike all through page 708, line 7

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate concur in the House amendments to the Senate amendments, and, further, that the Senate recede from its amendment to the title.

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

Mr. LOTT. Mr. President, this is the first of the three remaining appropriations items that the Senate must complete prior to adjournment.

I thank all Members on both sides of the aisle for their cooperation as we cleared this first appropriations bill.

I yield the floor.

I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FEDERAL ADVISORY COMMITTEE ACT AMENDMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2977, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2977) to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GLENN. Mr. President, I rise in strong support of H.R. 2977, the Federal Advisory Committee Act Amendments of 1997.

H.R. 2977 properly excludes the National Academy of Science [NAS] and the National Academy of Public Administration [NAPA] from the Federal Advisory Committee Act [FACA], while at the same time ensuring that certain public sunshine and accountability measures apply to NAS and NAPA committees. Since the legislation did not have the benefit of a committee report in either the House of Senate, as ranking member of the Committee on Governmental Affairs, the committee of jurisdiction over FACA, I would like to make the following clarifications regarding the bill's provisions.

Section 15 of the bill establishes procedures with which NAS and NAPA must comply as part of agreements with Federal agencies on work to be performed. I want to be clear that both NAS and NAPA should apply these procedures to standing committees in their future work for Federal agencies in addition to future committees that may be created, either temporarily or on a standing basis, to complete a specific project or projects under an agreement with an agency. In particular, it

should be noted that any replacement or new member added to a standing committee should be done so in accordance with the provisions of section 15(b)(1).

Even though the requirements of section 15(b) of the bill are effective on the date of enactment, NAS has indicated in a letter that they would make reasonable and practicable efforts, to the fullest extent, to apply those requirements to committees that began work as part of an agency agreement prior to the date of enactment. I ask unanimous consent that the NAS letter be made part of the RECORD at the conclusion of my remarks.

Section 15(b) provides that public notice be given for a number of committee activities. Traditionally, under FACA, public notice constitutes notice in the Federal Register. However, FACA was written over 20 years ago prior to advent of the information technology revolution. Therefore, I believe that public notice under this bill could include the use of the Internet, including notice and information timely posted on their home pages, by the NAS and NAPA as a means to satisfy the bill's public notice procedures.

Regarding the NAS, I understand that they will establish a reading room, free and open to the general public, to make available information required to be made public under section 15(b). I concur with this approach. Furthermore, the legislation provides that a reasonable charge may be imposed by the NAS for distribution of written materials. I believe that this charge should be as minimal as possible and should not exceed the costs of copying, paper, printing, and mailing—if needed. My preference would be that future agreements between the Federal agencies and NAS include sufficient funds for copying and distribution of relevant materials so that there would be no charge to the public, particularly if the request for written materials is a narrow or limited one. I would also encourage both academies to use the Internet here as well.

I also want to clarify that the provisions of this bill do not apply to NAS or NAPA committees that are self-funded or funded through a non-Federal source. However, if Federal funds are added to such a committee pursuant to an agreement with an agency and the respective academy, then the committee must comply with the provisions of this bill.

Finally, Federal agencies should take note that we have vested discretion to the NAS and NAPA regarding implementation of the requirements of section 15(b). Agencies should not seek to manage or control the specific procedures each academy will adopt in order to comply with the requirements of the bill. A certification from the academies at the time the final report is to be submitted shall suffice. Agencies should not interpret section 15(b)(1) as implying that the conflict of interest provisions under the Ethics in Government Act are the de facto standard to be employed. That act requires extensive financial disclosure and other requirements that are not appropriate in this instance.

I ask unanimous consent that the text of a letter from the National Academy of Sciences be printed in the RECORD.

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

NATIONAL ACADEMY OF SCIENCES,
OFFICE OF THE PRESIDENT,
Washington, DC, November 9, 1997.

Hon. JOHN GLENN,
Ranking Minority Member, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: I am writing on behalf of the National Academy of Sciences to explain how the Academy intends to apply the requirements of the Federal Advisory Committee Act of 1997 to Academy committees that are currently working on contracts or agreements with federal agencies.

Under the Act, the Academy is not required to apply the procedures of section 15 to committees that are currently underway. This makes sense, because the appointment provisions of section 15 could not be applied retroactively to committees whose members have already been appointed. There are, however, some provisions of section 15 that depending upon the stage of a committee's work could be reasonably applied to ongoing committees. For example, if a committee has not yet concluded its data gathering process, the requirement that data gathering meetings be open to the public could be followed by the committee.

On behalf of the Academy, you have my assurance that the Academy will apply the procedures set forth in section 15 to committees that are currently underway to the fullest extent that is reasonable and practicable.

Sincerely,

BRUCE ALBERTS,
President, National Academy of Sciences.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 2977) was passed.

OCEAN AND COASTAL RESEARCH REVITALIZATION ACT OF 1997

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 287, S. 927.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 927) to reauthorize the Sea Grant Program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1636

(Purpose: To reauthorize the Sea Grant Program)

Mr. LOTT. Senator SNOWE has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Ms. SNOWE, proposes an amendment numbered 1636.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Ms. SNOWE. Mr. President, I am offering a manager's amendment with Senator HOLLINGS and Senator CHAFEE to S. 1213, the Oceans Act of 1997. The year 1998 has been declared the International Year of the Ocean by the United Nations, and around the world scientists, governments, nongovernmental organizations, and private citizens are preparing activities that recognize the importance of the oceans to all of humanity as well as the planet. Passage of the Oceans Act today would serve as a very fitting contribution to the Year of the Ocean, signifying that the United States is at the forefront of ocean policy, and that we as a nation are continuing to strive for the conservation and sustainable use of our ocean resources.

S. 1213, which I cosponsored with Senators HOLLINGS, MCCAIN, KERRY, STEVENS, and others is intended to address current and future problems related to the oceans, coasts, and Great Lakes, and to ensure that we have a national oceans policy capable of meeting these challenges.

The bill would create a commission to analyze the full range of ocean policy issues facing the Nation, and the way in which the Federal Government is currently responding to them through its agencies and programs. After completing its analysis, the commission would provide recommendations to the President and the Congress on the development of a comprehensive, cost-effective policy to address these issues.

It also requires the President to create an interagency council to help improve coordination and cooperation, and eliminate duplication of effort among Federal agencies.

This legislation is based on a law enacted in 1966 which created a similar commission known as the Stratton Commission. That commission led to the creation of NOAA in 1970, and it helped to shape our public policies on these issues in the succeeding years. But the times have changed over the past 30 years, and the problems that we face in the marine environment have changed as well.

The manager's amendment which I am proposing today embodies virtually all of S. 1213 are reported by the Commerce Committee, but it also addresses the concerns of some Senators about the establishment of the interagency National Oceans Council. Over the last few days, I have worked closely with Senators CHAFEE, HOLLINGS, and MCCAIN on modifications to help ensure that the Council has an appropriate role within the administration. It is intended to assist the commission

with its work, providing information from the appropriate Federal agencies as necessary, and to help the President implement the national ocean policy that he is charged with developing under the bill. The changes that we have agreed to and that are contained in the manager's amendment clarify the role of the Council, and establish a sunset provision requiring the Council to disband 1 year after the commission issues its report. The amendment also makes clear that the Council cannot supersede any other existing administration coordination mechanisms, or interfere with ongoing Federal activities under existing law.

Mr. President, this is a very good bipartisan bill that is supported by the leaders of both the Commerce and Environment and Public Works Committees. It will give the United States very important guidance on how to prepare for the ocean-related challenges that will face the Nation in the 21st century. I urge my colleagues to support the amendment and the bill as amended.

Mr. HOLLINGS. Mr. President, I rise in support of S. 927, a bill to reauthorize the National Sea Grant College Program. First, I offer my thanks to Senator SNOWE, the primary sponsor of the bill.

Sea Grant is a results-oriented program that builds bridges among Government, academia, and industry, putting information and technology from research laboratories into the hands of the people who can really use it. The National Sea Grant Program serves as a successful model for multidisciplinary research directed at scientific advancement and economic development. Sea Grant has improved the competitiveness of the Nation's coastal and marine economy by increasing the pool of skilled manpower, fostering scientific achievement, facilitating technology transfer, and educating the public on critical resource and environmental issues.

Mr. President, the 1966 Stratton Commission outlined a seminal vision for the benefits this Nation could derive from the oceans and coasts. The Sea Grant Program has played a vital part in realizing that vision. Today, Sea Grant researchers are examining important problems affecting our marine resources. This research is not just being put on a shelf. It is being used to improve aquaculture, market new technologies, develop pharmaceuticals, educate our young people, manage fisheries, and much more. This legislation, S. 927, will carry Sea Grant into its next 30 years by strengthening the Sea Grant Program, improving the procedures by which it operates, clarifying the respective roles of the Federal Government and the universities that participate in the program, and reducing administrative costs. I urge all of my colleagues to join me in supporting this important program and the passage of the bill.

Mr. LEAHY. Mr. President, I rise today in support of S. 927, the Ocean and Coastal Research Revitalization Act of 1997. Last year, Congress passed the National Invasive Species Act. S. 927 will enable colleges and universities across the country to address the goals of the National Invasive Species Act and will foster research on our marine and coastal resources. My amendment to include Lake Champlain as one of the Great lakes will allow Vermont colleges and universities to join the Sea Grant College Program and increase research on the many environmental threats to Lake Champlain.

A recent study shows that the zebra mussels have spread from 4 States in 1988 to 20 States this year. The zebra mussel is a prime example of what can happen when an exotic species is introduced into an environment where it has no natural predators. The zebra mussel, having hitchhiked over from Europe, is invading the far reaches of Lake Champlain at an alarming rate.

We Vermonters have come to think of it as great for many reasons though: Lake Champlain is vital both environmentally and economically to Vermont. Lake Champlain supports a watershed of over 8,200 square miles and an economy of over $9 billion in the region. In addition, the importance of Lake Champlain spreads throughout the Northeast, since residents of New England and the mid-Atlantic States cherish the lake and its resources for its recreational, ecological, and scenic values. Although Vermonters have always considered Lake Champlain the sixth Great Lake, this legislation will now officially recognize Lake Champlain as the sixth Great Lake under the Sea Grant Program.

This designation will allow colleges and universities in the Lake Champlain basin to become a Sea Grant college, enabling them to conduct vital research on the many invasive species threatening Lake Champlain, including zebra mussels, sea lampreys, Eurasian watermilfoil, and water chestnut. Inclusion in the National Sea Grant College Program would allow Vermont schools to focus greater attention on invasive species, but also would help Vermont and New York implement a number of the priorities identified in the Lake Champlain Basin Plan signed by our Governors this winter.

As the economic importance of the lake and the population of the Champlain Valley has grown, so have the environmental problems of Lake Champlain. One of the main environmental issues facing the lake is controlling pollution that flows into the lake. In particular, increases in the levels of phosphorus have turned parts of Lake Champlain green with algae. Runoff from farms and urban streets and treated water from sewage plants have caused this increase.

Historically, scientific efforts on Lake Champlain have lagged behind other regions with coastal waters of national significance. Although the University of Vermont was one of the original land grant colleges, it did not receive Sea Grant college status during the initial selections because the Sea Grant Program has been focused on areas with marine research needs. Since that time, several new Sea Grant designations were made to address critical issues facing the Great Lakes.

Lake Champlain plays an important role in the Great Lakes system, connected by hydrologic, geologic, and biological origins. The issues facing Lake Champlain represent the emerging issues facing the Great Lakes, such as nutrient enrichment, toxic contamination, habitat destruction, and fisheries issues. Allowing Vermont to participate in the Sea Grant Program would provide an opportunity for the State's scientists to compete for badly needed Federal dollars to support lake research.

The University of Vermont and other Vermont colleges are ideally situated to attain Sea Grant college status to work on Lake Champlain research. These researchers have been participating in lake research projects over the past several years, pulling together limited funding from numerous sources. Designation as a Sea Grant college will remedy this situation. Vermont will be able to improve the long-term water quality and biological monitoring on Lake Champlain. This monitoring is critical to determine the success of management actions outlined in the Lake Champlain Basin Plan. The Sea Grant Program would enable Vermont to track toxic substances in the water, sediment, air and biota and invasive species.

I want to thank my colleague from Maine, Senator SNOWE, and her staff for their assistance in increasing attention to the environmental issues in Lake Champlain.

Mr. BREAUX. Mr. President, this legislation reflects an effort to reach a compromise within the international ocean shipping industry. It reflects a middle ground among the somewhat dissimilar interests of the ocean carriers and shippers and shipping intermediaries, as well as the interests of U.S. ports and post-related labor interests such as longshoremen and truckers. I have worked with Senators HUTCHISON, LOTT, and GORTON to craft a compromise allowing us to move forward with legislation. I had hoped to be able to move forward with floor consideration before we adjourn, but it appears now that we ran out of time on this bill. I look forward to taking this bill up early in the next session of Congress. It has been very difficult to balance the competing considerations affected by this bill. In fact, I would liken it to squeezing Jell-O, you push in one direction and objections would ooze out in the other direction. However, I feel certain that we are close to achieving a workable agreement that all parties can support.

It is safe to say that our ocean shipping industry affects all of us in the United States since 96 percent of our international trade is carried by ships,

but very few of us fully understand the ocean shipping industry. International ocean shipping is a half-a-trillion-dollar annual industry that is inextricably linked to our fortunes in international trade. It is a unique industry, in that international maritime trade is regulated by more than just the policies of the United States. In fact, it is regulated by every nation capable of accepting vessels that are navigated on the seven seas. It is a complex industry to understand because of the multinational nature of trade, and its regulation is different from any of our domestic transportation industries such as trucking, rail, or aviation.

The ocean shipping industry provides the most open and pure form of trade in international transportation. For instance, trucks and railroads are only allowed to operate on a domestic basis, and foreign trucks and railroads are required to stop at border locations, with cargo for points further inland transported by U.S. firms. International aviation is subject to restrictions imposed and a result of bilateral trade agreements, that is, foreign airlines can only come into the United States if bilateral trade agreements provide access into the United States. However, international maritime trade is not restricted at all, and treaties of friendship, commerce, and navigation guarantee the right of vessels from anywhere in the world to deliver cargo to any point in the United States that is capable of accommodating the navigation of foreign vessels.

The Federal Maritime Commission [FMC] is charged with regulating the international ocean shipping liner industry. The ocean shipping liner industry consists of those vessels that provide regularly scheduled services to U.S. ports from points abroad. In large part, the trade consists of containerized cargo that is capable of international movement. The FMC does not regulate the practices of ocean shipping vessels that are not on regularly scheduled services, such as vessels chartered to carry oil, chemicals, bulk grain, or coal carriers. One might ask why regulate the ocean liner industry, and not the bulk shipping industry? The answer is that the ocean liner industry enjoys a worldwide exemption from the application of U.S. antitrust laws and foreign competition policies. Also, the ocean liner industry is required to provide a system of common carriage, that is, our law requires carriers to provide service to any importer or exporter on a fair, and nondiscriminatory basis.

The international ocean shipping liner industry is not a healthy industry. In general, it is riddled with trade-distorting practices, chronic overcapacity, and fiercely competitive carriers. In fact, rates have plunged in the transpacific trade to the degree that importers and exporters are expressing concerns about the overall health of the shipping industry. The primary cause of liner shipping overcapacity is the presence of policies designed to promote national-flag carriers and also to ensure strong shipbuilding capacity in the interest of national security. These policies which are not necessarily economically effective include subsidies to purchase ships and to operate ships, tax advantages to lower costs, cargo reservation schemes, and national control of shipyards and shipping companies. A prime example of policies that promote and subsidize a national-flag carrier is one of the largest shipping companies in the world, the China Overseas Shipping Company [COSCO]. It is operated by the Government of China, much in the way the United States Government controls the Navy and is not constrained by considerations that plague private sector companies.

Historically, ocean shipping liner companies attempted to combat rate wars resulting from overcapacity by establishing shipping conferences to coordinate the practices and pricing policies of liner shipping companies. The first shipping conference was established in 1875, but it was not until 1916 that the U.S. Government reviewed the conference system. The Alexander Committee—named after the then-chairman of the House Committee on Merchant Marine and Fisheries—recommended continuing the conference system in order to avoid ruinous rate wars and trade instability, but also determined that conference practices should be regulated to ensure that their practices did not adversely impact shippers. All other maritime nations allow shipping conferences to exist without the constraints of antitrust or competition laws, and presently no nation is considering changes to their shipping regulatory policies.

In the past, U.S. efforts to apply antitrust principles to the ocean shipping liner industry were met with great difficulty. Understandably, foreign governments objected to applying U.S. antitrust laws instead of their own laws on competition policy to their shipping companies. Many nations have enacted blocking statutes to expressly prevent the application of U.S. antitrust laws to the practices of their shipping companies. As a result of these blocking statutes, U.S. antitrust laws would only be able to reach U.S. companies and would destroy their ability to compete with foreign companies. With the difficulties in applying our antitrust laws, U.S. ocean shipping policy has endeavored to regulate ocean shipping practices to ensure that the grant of antitrust immunity is not abused and that our regulatory structure does not contradict the regulatory practices of foreign nations.

The current regulatory statute that governs the practices of the ocean liner shipping industry is the Shipping Act of 1984. The Shipping Act of 1984 was enacted in response to changing trends in the ocean shipping industry. The advent of intermodalism and containerization of cargo drastically changed the face of ocean shipping, and nearly all liner operations are now containerized. Prior to the Shipping Act of 1984, uncertainty existed as to whether intermodal agreements were within the scope of antitrust immunity granted to carriers. In addition, carrier agreements were subject to lengthy regulatory scrutiny under a public interest-type of standard. Dissatisfaction with the regulatory structure led to hearings and legislative review in the late 1970's and early 1980's. In the wake of passage of legislation deregulating the trucking and railroad industry, deregulation of the ocean shipping industry was accomplished with the enactment of the Shipping Act of 1984.

The Shipping Act of 1984 continues antitrust immunity for agreements unless the FMC seeks an injunction against any agreement it finds ''is likely, by a reduction of competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost.'' The act also clarifies that agreements can be filed covering intermodal movements, thus allowing ocean carriers to more fully coordinate ocean shipping services with shore-side services and surface transportation.

The Shipping Act of 1984 attempts to harmonize the twin objectives of facilitating an efficient ocean transportation system while controlling the potential abuses and disadvantages inherent in the conference system. The Act maintains the requirement that all carriers publish tariffs and provide rates and services to all shippers without unjust discrimination, thus continuing the obligations of common carriage. In order to provide shippers with a means of limiting conference power, the Shipping Act of 1984 made three major changes: First, it allowed shippers to utilize service contracts, but required the essential terms of the contract to be filed and allowed similarly situated shippers the right to enter similar contracts; second, it allowed shippers the right to set up shippers associations, in order to allow collective cargo interests to negotiate service contracts; and third, it mandated that all conference carriers had the right to act independently of the conference in pricing or service options upon 10 days' notice to the conference.

Amendments to the Merchant Marine Act, 1920, and the passage of the Foreign Shipping Practices Act of 1988, strengthened the FMC's oversight of foreign shipping practices and the practices of foreign governments that adversely impact conditions facing U.S. carriers and shippers in foreign trade. The FMC effectively utilized its trade authorities to challenge restrictive port practices in Japan, and after a tense showdown convinced the Japanese to alter their practices that restrict the opportunity of carriers to operate their own marine terminals. The changes that will be required to be implemented under this agreement will

save consumers of imports and exporters trading to Japan, millions of dollars, and the FMC deserves praise for hanging tough in what was undeniably a tense situation.

While we were not able to address all concerns about our new ocean shipping deregulation proposal I would like to elaborate on the progress that has been made toward ultimate Senate passage of legislation. I would also like to thank Senators HUTCHISON, LOTT and GORTON for their efforts on this bill. Additionally, the following staffers spent many hours meeting with the affected members of the shipping public and listening to their concerns about our proposal and I would like to personally thank Jim Sartucci and Carl Bentzel of the Commerce Committee staff, Carl Biersack of Senator LOTT's staff, Jeanne Bumpus of Senator GORTON's staff, Amy Henderson of Senator HUTCHISON's staff as well as my own staffers, Mark Ashby and Paul DeVeau.

S. 414, the Ocean Shipping Reform Act, and the proposed amendment to the committee reported bill, attempt to balance the competing interests of those affected by international ocean shipping practices. One of the major obstacles to change in this area was the need to provide additional service contract flexibility and confidentiality, while balancing the need to continue oversight of contract practices to ensure against anti-competitive practices immunized from our antitrust laws. I think the contracting proposal embodied in S. 414 adequately balances these competing considerations. The bill transfers the requirements of providing service and price information to the private sector, and will allow the private sector to perform functions that had heretofore been provided by the Government. The bill broadens the authority of the FMC to provide statutory exemptions, and reforms the licensing and bonding requirements for ocean shipping intermediaries.

Importantly, the bill does not change the structure of the Federal Maritime Commission. The FMC is a small agency with a annual budget of about $14 million. When you subtract penalties and fines collected over the past 7 years, the annual cost of agency operations is less than $7 million. All told, the agency is a bargain to the U.S. taxpayer as it oversees the shipping practices of over $500 billion in maritime trade. The U.S. public accrues an added benefit when the FMC is able to break down trade barriers that cost importers and exporters millions in additional costs, as recently occurred when the FMC challenged restrictive Japanese port practices.

The FMC is an independent regulatory agency that is not accountable to the direction of the administration. Independence allows the FMC to maintain a more aggressive and objective posture when it comes to the consideration of eliminating foreign trade barriers.

S. 414 also provides some additional protection to longshoremen who work at U.S. ports. The concerns expressed by U.S. ports and port-related labor interests revolved around reductions in the transparency afforded to shipping contracts, and the potential abuse that could occur as a result of carrier antitrust immune contract actions. In order to address the concerns of longshoremen who have contracts for longshore and stevedoring services, S. 414 sets up a mechanism to allow the longshoremen to request information relevant to the enforcement of collective bargaining agreements.

It is my feeling that we have before us a package of needed shipping reforms that will allow us to move ahead, and I look forward to passing this bill in the next session of Congress.

Mr. LOTT. I ask unanimous consent that the amendment be agreed to, the bill be considered read a third time and passed, as amended, the motion to reconsider be laid upon the table and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 1636) was agreed to.

The bill (S. 927), as amended, was passed.

DOCUMENTATION OF THE VESSEL ''PRINCE NOVA''

Mr. LOTT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 1349 and that the Senate then proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1349) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid on the table, and that any statements related thereto be printed in the RECORD.

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

The bill (S. 1349) was passed, as follows:

S. 1349

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

SECTION 1. DOCUMENTATION OF THE VESSEL PRINCE NOVA.

(a) DOCUMENTATION AUTHORIZED.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA (Canadian registration number 320804).

(b) EXPIRATION OF CERTIFICATE.—A certificate of documentation issued for the vessel under subsection (a) shall expire unless—

(1) the vessel undergoes conversion, reconstruction, repair, rebuilding, or retrofitting in a shipyard located in the United States;

(2) the cost of that conversion, reconstruction, repair, rebuilding, or retrofitting is not less than the greater of—

(A) 3 times the purchase value of the vessel before the conversion, reconstruction, repair, rebuilding, or retrofitting; or

(B) $4,200,000; and

(3) not less than an average of $1,000,000 is spent annually in a shipyard located in the United States for conversion, reconstruction, repair, rebuilding, or retrofitting of the vessel until the total amount of the cost required under paragraph (2) is spent.

Mr. LOTT. Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

NATIONAL VETERANS CEMETERY

Mr. NICKLES. Mr. President, I rise to express my profound disappointment in the action the President took on November 1 of this year when he used his veto pen to line-item veto $900,000 from the VA-HUD appropriations bill. This money was set aside for the final planning and design of a new national veterans cemetery to be built at Fort Sill in Lawton, OK. While I am disappointed, I know my disappointment pales in comparison to the shock and frustration that the veterans of Oklahoma and their families have expressed to me and my staff regarding the President's action.

The shock and frustration expressed by veterans living in Oklahoma who have selflessly served our country and their families comes because the President's veto will further delay a national cemetery that has been in one stage of planning or another since 1987 when the Department of Veteran Affairs stated its intention to build a new national cemetery in Oklahoma.

I hope my colleagues will bear with me as I review what the veterans of Oklahoma and their families have gone through over the past 10 years.

Efforts to establish a national veterans cemetery in central Oklahoma date back to 1987. That year the Department of Veterans Affairs, in a report to Congress, identified central Oklahoma as an area in need of a national veterans cemetery because of Oklahoma's large veterans population and an official acknowledgment that the Fort Gibson cemetery in eastern Oklahoma would soon be full. The Oklahoma congressional delegation did not make this determination, Oklahoma's large veteran

population did not make this determination the VA made this determination.

The VA then embarked on a 4-year selection process and narrowed the potential cemetery sites to three: Fort Reno, Edmond, and Guthrie. The Congress, in accordance with the 1987 report, appropriated $250,000 in fiscal year 1991 for the purpose of conducting an environmental impact statement on these three sites to determine which site best met the needs of our veterans and was suitable for construction of a cemetery.

In late 1993, the VA officially announced Fort Reno as its preferred site, and Congress, in 1994, appropriated another $250,000 for the initial planning and design stages of the cemetery. Unfortunately, in that same year a land dispute arose over the Fort Reno site. After a year of trying to work out an agreement on the property at Fort Reno no resolution could be found.

On January 23, 1995, the VA issued a press release announcing that it was no longer committed to the Fort Reno site because the land dispute could not be resolved. In that same press release Jesse Brown, the Secretary of Veterans Affairs, made the following statement:

> I am reiterating VA's commitment to provide a new national cemetery for the veterans of this region. We will look for other potential sites and expedite the selection decision.

Thankfully, another piece of property was soon found at Fort Sill that could be used for a cemetery, and true to Secretary Brown's statement the process was expedited.

The VA, using money left over from the initial environmental impact statement, conducted another study of the piece of property identified as a potential cemetery site at Fort Sill. The second environmental impact statement was completed on the property at Fort Sill and it was deemed suitable for a cemetery.

Again, acting on the VA's commitment of 1987 to build a national veterans cemetery which was reiterated in January 1995, by Secretary Brown, the Congress adopted an amendment that I offered to the fiscal year 1997 Defense authorization bill that called for the transfer of that property at Fort Sill for the establishment of a new national veterans cemetery.

I recently spoke to the Army and was informed that this land transfer is progressing very well and ought to be complete by mid-January of 1998—that's about two months away.

This year I worked with my good friend, Senator BOND, chairman of the VA–HUD appropriations subcommittee, to include $900,000 for the final planning and design of the cemetery. It was included in the bill that was passed by the Senate and included in the conference report.

As I stated earlier, about a week ago, the President used his veto pen to line-item veto this project. This project was the only VA project that was line-tem vetoed this year.

Besides being disappointed at the President's action, I don't understand it. The cemetery project is completely within the budget agreement that was hammered out this year. The cemetery project was identified by the VA as a project it wanted.

I do want to let the administration and the veterans of Oklahoma know that I am committed to this project and I intend to work with the administration and the VA to see that the veterans of Oklahoma get a new national veterans cemetery in a timely fashion. Ten years has already been a long time to wait. The veterans of Oklahoma and their families have endured much as they served our country, I intend to see to it that the establishment of a new national veterans cemetery does not become yet another test of that endurance.

Mr. President, I believe the President made a mistake. He made a mistake in several items that were vetoed in the MilCon bill and he made a mistake in this case. The VA had made a commitment to build this cemetery. The veterans who served our country so well are entitled to be buried in a national veterans' cemetery. The Veterans' Department said maybe the new cemetery in Oklahoma should be a State cemetery. However, the veterans of Oklahoma have stated they want to be buried in a national veterans' cemetery, and I am committed to that. I know the veterans of Oklahoma are committed to that. We have had a commitment from this administration and this administration should not renege on it. They should not go back on their word to the veterans of Oklahoma, as evidenced by the President's veto. I think it was a mistake.

It just so happens the President does not have a Secretary of Veterans' Affairs. I will be meeting with the Acting Secretary and the President's nominee to be Secretary and hopefully we will come to an understanding very quickly that this is a commitment that will be completed. We need to uphold the commitment we made to the veterans of Oklahoma that we will have a national cemetery built.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2159

Mr. NICKLES. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of the conference report to accompany H.R. 2159, the foreign operations bill. I further ask consent there be 30 minutes of debate equally divided in the usual form, and immediately following that debate or yielding back of time the conference report be considered as adopted and the motion to reconsider be laid upon the table.

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

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that morning business be extended until 12 noon under the same terms as previously agreed to.

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

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

FAST TRACK

Mr. DORGAN. Mr. President, because the proposal for fast-track trade authority was not adopted, there have been a good many columns and commentators evaluating why fast track failed. I wanted to comment about that just a bit today. It is interesting. Even though the political pathologists for this legislation—the journalists, and the beltway insiders—have picked the fast track carcass clean, they still missed the cause of death.

The eulogies I read have no relationship to the deceased. Fast track didn't die because of unions and union opposition to fast track. Fast track didn't die because the President didn't have the strength to get it through the Congress. Fast track didn't die because our country doesn't want to engage in international trade. Fast track died because this country is deeply divided on trade issues. There is not a consensus in this country at this point on the issue of international trade. Instead of a national dialogue on trade we have at least a half dozen or more monologues on trade.

What people miss when they evaluate what happened to fast track is the deep concern that this country has not done well in international trade, especially in our trade agreements. This did not matter very much during the first 25 years after the Second World War. We could make virtually any agreement with anybody and provide significant concessions under the guise of foreign policy and we could still win the trade competition with one hand tied behind our backs. We could do that because we were bigger, better, stronger, better prepared, and better able. Thus, trade policy was largely foreign policy.

During the first 25 years after the Second World War, our incomes continued to rise in this country despite the fact that our trade policy was largely foreign policy. However, the second 25 years have told a different story, and we now face tougher and shrewder competition from countries that are very able to compete with us. And our trade policy must be more realistic and must be a trade policy that recognizes more the needs of this country.

Will Rogers said something, probably 70 years ago, that speaks to our trade policy concerns. I gave an approximate quote of that here on the floor the other day. He describes the concern people have about trade, yes, even

today. Let me tell you what he said. Speaking of the United States, he said,

> We have never lost a war and we have never won a conference. I believe that we could, without any degree of egotism, single-handedly lick any nation in the world. But we can't even confer with Costa Rica and come home with our shirts on.

A lot of people still feel this way about our country. We could lick any nation in the world but we can't confer with Costa Rica and come home with our shirts on. ''We have never lost a war and never won a conference,'' Will Rogers said.

What are the various interests here that cause all of this angst and anxiety? There is the interest of the corporations, particularly the very large corporations. They have an interest of profit. Their interest is to go somewhere else in the world and produce a product as cheaply as they can produce it and send it back to sell in America. That provides a profit. That is in their interest. It is a legitimate interest on behalf of their stockholders, but it is their interest. Is it parallel to the national interest?

Economists: their interest is seeing this in theory in terms of the doctrine of comparative advantage. Now this was first preached at a time when there weren't corporations, only nations. This is the notion that each nation should do what it is best prepared and equipped to do and then trade with others for that which it is least able to do.

Consumers: consumers have an interest, in some cases, of trying to buy the cheapest or least expensive product available.

Workers: workers want to keep their jobs and want to have good jobs and want to have a future and an opportunity for a job that pays well, with decent benefits.

Then there are the big thinkers. Those are the people who think they know more than all the rest of us. They understand that trade policy is simply called trade policy. Actually, they still want it to be foreign policy. Incidentally, some of those big thinkers were around last week. When the real debate about fast track got going, who rushed to Capitol Hill? The Secretary of State, and U.S. Ambassador to the United Nations, came here because we still have some of those big thinkers who believe trade policy must inevitably be foreign policy in our country.

Oliver Wendell Holmes once said, ''The question is not where you stand but in what direction are you moving?'' You must always move, you must not drift or lie at anchor.

The question is, now that fast track has failed, what direction are we moving? What is our interest in trade? What can spark a national consensus on trade issues? What are the new goals?

First of all, I think most Americans would understand that we want our country to be a leader in trade. Our country should lead in the area of expanding world trade. Yet the real question is, how do we lead and where do we lead?

I think the starting point is this. We have the largest trade deficits in this country's history. Most Americans viscerally understand that. We have the largest trade deficits in our country's history, and they are getting worse, not better. We must do something about it.

We have specific and vexing trade problems that go unresolved. I have mentioned many times on the floor of the Senate the trade problem with Canada, which is not the largest problem we have. Yet, it is a huge problem for the people that it affects. I am talking about the flood of unfairly traded Canadian grain that is undercutting our farmers' interests.

I just got off the phone with a farmer an hour ago. He was calling from North Dakota. He said the price of grain is down, way down. He's trying to compete with terribly unfair imports coming in through his back door from a state trading enterprise which would be illegal in this country and are sold at secret prices.

Trade problems which go unresolved fester and infect, and that is what causes many in this country to have a sour feeling about this country's trade policy. Because of a range of these problems, this country does not have a consensus on trade policy, at least not a consensus that Congress should pass fast track.

Last weekend and early this week when fast track failed to get the needed votes to pass the Congress, there were people who almost had apoplectic seizures here in Washington, DC. They were falling over themselves, saying, ''Woe is America. What on Earth is going happen?''

Then we had countries in South America get into the act. I read in the paper that one of the countries in South America said, ''You know, if the United States can't have fast-track trade authority then we are going to have to negotiate with somebody else.''

Oh, really? Who are you going to negotiate with? Have you found a substitute for the American marketplace anywhere on the globe? Is there anywhere on Earth that a substitute for the American marketplace exists? Maybe you want to negotiate with Nigeria? How about Zambia? Zambia has a lower gross national product than the partners of Goldman Sachs have income. So go negotiate with Zambia.

Would our trading partners do us a favor, and not think the world is coming apart because we have not passed fast track? They need to understand that we want expanded trade. In the debate about trade we want to have embedded some notion about responsibilities. These are the responsibilities that we have as a country to decide that our trade policy must also reflect our values. These values are about the environment, about safe workplaces, about children working, about food safety and, yes, about human rights.

Does that mean we want to impose our values, imprint them, stamp them in every circumstance around the globe for a condition of trade? No. It does mean there is a bar at some point that we establish that says this minimum represents the set of values that we care about with respect to our trade relations.

Do we care if another country allows firms to hire 12-year-old kids, work them 12 hours a day and pay them 12 cents an hour and then ships these products to Pittsburgh, Los Angeles and Fargo? Yes, the consumer gets a cheaper product, but do we want 12-year-old kids working somewhere to produce it? Do we care that they compete with a company in this country that is unable to hire kids because this country is unwilling to let companies hire kids? We also say to these companies that they cannot dump chemicals into the air and into the water. We require a safe workplace. We require that a living wage be paid. At least we have minimum wage conditions.

We need to answer those questions. What really is fair trade? In whose interests do we fight for the set of values that we want for our future in our trade policies?

As we seek a new consensus on trade in this country, I hope that consensus will include the following goals:

First, it would be in this country's interest to end its chronic trade deficits. For 21 years in a row we have had chronic, nagging, growing trade deficits. I hope that as a goal we will decide that it is in this country's interest to end these trade deficits. Hopefully we would do it by increasing net exports from this country.

Second, we want more and better jobs in this country. That means our trade agreements ought to be designed to foster and improve job conditions in this country and living standards. As a part of that we need to require that our values are reflected in our trade policies, including our concerns about others who do not respect the rights of children and the environment.

Third, we need mandatory enforcement of trade agreements. Let us finally enforce the trade agreements we have made in the past. There are too many agreements that our trading partners are not abiding by. Let us not consign American producers and American workers to some wilderness out there facing vexing trade problems that cannot and will not be solved. Let's decide as a country, if an agreement is worth making, it is worth enforcing. Let us stand up to Canada, Mexico, China, and Japan and others and say, ''If you are going to have trade agreements with us, this country insists on its behalf and on behalf of its farmers, workers and employers that we are going to enforce trade agreements.''

Fourth, let us end the currency trap doors in trade agreements. When we make a trade agreement with some country and they devalue their currency, all the benefits of that trade

agreement, and much, much more, are swept away in an instant.

Fifth, all trade agreements should relate to the question of whether they contribute to this country's national security.

These are the values that I think make sense for this country to discuss and consider as it tries to seek a new consensus on trade policy.

Once again, those who do the autopsies on failed public policies, including fast track during this last week, should not miss the cause of death. The reason fast track failed was because, as President Wilson once said, the murmur of public policy in this country comes not from this Chamber and not from the seats of learning in this town, but it comes from the factories and the farms and from the hills and the valleys of this country and from the homes of people who care about what happens to the economy of this country, and the economy of their State and their community.

They are the ones who evaluate whether public policy is in their interest or in this country's interest. They are the ones, after all, who decide what happens in this Chamber, because they are the ones who sent us here and the ones who asked us to provide the kind of leadership toward a system of trade and economic policy that will result in a better country.

Finally, Mr. President, I hope that as we discuss trade in the days ahead, it will be in a thoughtful, and not thoughtless, way. We do not need a discussion by those who say, ''Well, fast track is dead, the protectionists win.'' That is not what the vote was about. It is not what the issue was about, and it is not the way I think we will confront trade policies in the future.

I will conclude with one additional point. There is an op-ed piece in the New York Times today which I found most interesting. I ask unanimous consent to have this op-ed piece printed in the RECORD at the end of my remarks.

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

(See Exhibit 1.)

Mr. DORGAN. Mr. President, this is an op-ed piece by Thomas Friedman. I commend it to my colleagues. He talks about the new American politics and especially about fast-track trade authority. He said we have a trade debate among people divided into four categories:

The Integrationists: ''These are people who believe freer trade and integration are either inevitable or good, and they want to promote more trade agreements and Internet connections from one end of the world to the other, 24 hours a day.''

There are the Social Safety-Netters. ''These are people who believe that we need to package global integration with programs that will assist the 'know-nots' and 'have-nots.' ''

Then there are the Let-Them-Eat-Cakers. ''These are people who believe that globalization is winner-take-all, loser-take-care-of-yourself.

He provides an interesting statement of where he thinks all of the current key players in the debate find themselves.

Now everyone in the fast-track debate is in my matrix: Bill Clinton is an Integrationist-Social-Safety-Netter. Newt Gingrich is an Integrationist-Let-Them-Eat-Caker. Dick Gephardt is a Separatist-Social-Safety-Netter and Ross Perot is a Separatist-Let-Them-Eat-Caker.

If that piques your interest, I encourage you to look at this particular piece by Thomas Friedman in which he describes his interesting matrix of trade policy and the need to build a new consensus.

Finally, I want to say that what this country needs most at this point is to understand there is not now a consensus on trade policy. I say to the President and I say to the corporations and labor unions and the people in this country that it is time to develop a new consensus. I am interested, for one, in finding a way to bridge the gaps among all of the competing interests in trade to see if we might be able to weave a quilt of public policy that represents this country's best interest in advancing our economy and our American values.

Mr. President, I yield the floor.

EXHIBIT 1

[From the New York Times, Nov. 13, 1997]

THE NEW AMERICAN POLITICS

(By Thomas L. Friedman)

Well, I guess it's official now: America has a four-party system.

That's the most important lesson to come out of Monday's decision by Congressional Democrats to reject President Clinton's request for ''fast track'' authority to sign more international free-trade agreements. I see a silver lining in what Congress did, even though it was harebrained. Maybe now at least the American public, and the business community, will fully understand what politics is increasingly about in this country, and will focus on which of America's four parties they want to join.

Me, I'm an Integrationist-Social-Safety-Netter. How about you?

To figure out which party you're in let me again offer the Friedman matrix of globalization politics. Take a piece of paper and draw a line across the middle from east to west. This is the globalization line, where you locate how you feel about the way in which technology and open markets are combining to integrate more and more of the world. At the far right end of this line are the Integrationists. These are people who believe that freer trade and integration are either inevitable or good; they want to promote more trade agreements and Internet connections from one end of the world to the other, 24 hours a day.

Next go to the far left end of this line. These are the Separatists. These are people who believe free trade and technological integration are neither good nor inevitable; they want to stop them in their tracks. So first locate yourself somewhere on this line between Separatists and Integrationists.

Now draw another line from north to south through the middle of the globalization line. This is the distribution line. It defines what you believe should go along with globalization to cushion its worst social, economic and environmental impacts. At the southern end of this line are the Social-Safety-Netters. These are people who believe that we need to package global integration with programs that will assist the ''know-nots'' and ''have-nots,'' who lack the skills to take advantage of the new economy or who get caught up in the job-churning that goes with globalization and are unemployed or driven into poorer-paying jobs. The Safety-Netters also want programs to improve labor and environmental standards in developing countries rushing headlong into the global economy.

At the northern tip of this distribution line are the Let-Them-Eat-Cakers. These are people who believe that globalization is winner-take-all, loser-take-care-of-yourself.

Now everyone in the fast-track debate is my matrix: Bill Clinton is an Integrationist-Social-Safety-Netter. Newt Gingrich is an Integrationist-Let-Them-Eat-Caker. Dick Gephardt is a Separatist-Social-Safety-Netter and Ross Perot is a Separatist-Let-Them-Eat-Caker. That's why Mr. Clinton and Mr. Gingrich are allies on free trade but opponents on social welfare, and why Mr. Gephardt and Mr. Perot are allies against more free trade, but opponents on social welfare.

As I said, I'm an Integrationist-Social-Safety-Netter. I believe that the technologies weaving the world more tightly together cannot be stopped and the integration of markets can only be reversed at a very, very high cost. Bill Clinton is right about that and Dick Gephardt and the unions are wrong.

But Mr. Gephardt and the unions are right that globalization is as creatively destructive as the earlier versions of capitalism, which destroyed feudalism and Communism. With all its positives, globalization does churn new jobs and destroy old ones, it does widen gaps between those with knowledge skills and those without them, it does weaken bonds of community. And the Clinton team, the business community and all the workers already benefiting from the information economy never took these dark sides seriously enough.

One hopes they now realize that this is one of the most fundamental issues—maybe the most fundamental issue—in American politics. You can't just give a speech about it one month before they vote, you can't just have your company buy an ad supporting it the day before you vote, you can't just summon a constituency for it on the eve of the vote. You have to build a real politics of Integrationist-Social-Safety-Nettism—a politics that can show people the power and potential of global integration, while taking seriously their needs for safety nets to protect them along the way. Build it and they will come.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

VETERANS DAY

Mr. GLENN. Mr. President, earlier this week, we celebrated a national holiday, Veterans Day. We were not in session on that day, November 11, so I want to make a few comments about that day and what it means to our country.

Veterans Day comes from the Armistice Day that ended World War I in 1918. The armistice was signed that day at 11 o'clock in the morning with the hope that that would be the war to end all wars. As we look back on what has happened since that time, we know

that that is not what happened, however, that is the way World War I was billed at that time.

Later, Armistice Day was changed to Veterans Day to better represent all the conflicts that this country has ever participated in. I think it is good that we have a day where we can reflect on, and commemorate those who took part in those wars.

However, sometimes on that day, we are reminded that appreciation for the military, and for their sacrifices, does not get its proper attention. I am reminded of the old Kipling poem where he talks about how the lack of appreciation for our military occurs, or seems to occur, in those time periods when they are most needed.

Kipling was British, and in Britain, GI's were called tommies. In his famous poem Kipling wrote:

It's Tommy this, an' Tommy that,
an' ''Chuck him out, the brute!''
But it's ''Savior of 'is country''
when the guns begin to shoot.

We tend to forget about the sacrifices our military personnel when peace breaks out. History shows us that over the last 100 years or so, we have had approximately 17-year cycles of war and peace. It is amazing, almost uncanny, how our military buildups and downgrades fit into that 17-year cycle. In fact, the only conflict that occurred outside of that pattern was World War II, which was only about 4 years off the 17-year cycle. I can only hope that our current period of peace will break that 17-year cycle.

On Veterans Day, we recognize those who have gone through these cycles before us. It is a time to point out some of the sacrifices they made, the devotion to duty that they were required to perform, and the courage that they exhibited. It is a time to say, ''The professionalism of our military saved lives.''

Veterans themselves, do not need a special day, because they remember their own experiences in the military. They do not need a special day because those times are forever etched in their memories. They remember the people that they were associated with, their friends, people of all walks of life. They remember the rich, the poor, the advantaged, the disadvantaged; all tossed together, rubbing elbows, in what is the finest military in the world. They remember the places where they were stationed, their training, and they certainly remember their days in combat, which is forever etched on their memory, like nothing else out of their past.

Some survived and some did not. Veterans Day is a time to go back and remember those people. It is time, not just for veterans, but for all Americans, to remember that this country was built on the sacrifices of the brave men and women who served in the military, and protected our country. It is a day to remember and appreciate what made this country, the greatest nation in the world.

Mr. President, another important day occurred early this week and I would like to make a few remarks about it also.

THE MARINE CORPS' 222D BIRTHDAY

Mr. GLENN. Mr. President, Monday, November 10, was the 222d birthday of the U.S. Marine Corps. That day is celebrated by marines, and former marines, wherever they are, wherever they may go.

Last year, on the Marine Corps birthday, I was on a plane with our minority leader and several other Senators, on a trip to the Far East. We were on our way to visit Ho Chi Minh City, Hong Kong, and Taiwan. We had just left Japan, and I was sitting there with my wife, Annie, when I remembered that it was the Marine Corps birthday. Because it is a ritual for marines to celebrate their birthday, no matter where they are, I told Annie that I was going back to the galley to get something to be our Marine Corps birthday cake. I know this may sound silly to some people, but to marines, it does not sound silly at all.

So, right as I was getting ready to head back to the galley, other people on the flight started gathering around where we were sitting. It turned out that they also had remembered how important this day was to me, and my fellow marines. Not only did they know what the 10th of November was, they had brought a cake along with them. It was a beautiful cake and was decorated with the Marine Corps emblem. So probably like a lot of other isolated marines in the world, we had our own party. It was a very memorable celebration.

This year I had the chance to participate in the Marine Corps birthday ball here in Washington, at the Marine Barracks. Once again, we had a wonderful celebration.

The corps remains proud of the role it has played in the history of our country—as the 911 force, the emergency force that is always available when requirements dictate that the most best is needed now.

The Marine Corps remains unique to the other services, in the respect that it has all elements of supporting arms in one unit. It has supplies for 60 days of combat. It has infantry, air, armor, and artillery. It has all the elements wrapped up in one unit, necessary to go in and be a very tough, hard-hitting organization for a short period of time.

This was vividly illustrated in the Persian Gulf during Desert Storm. The Marine Corps came in with two divisions, completely equipped, and set up a blocking position, to give our other forces time to build up—a build up that over a several-month period came to number over 520,000 Americans.

This was typical of the role that the U.S. Marine Corps has played as the ready force. And there isn't a Marine unit in existence that does not have some of its expeditionary gear, some of its combat equipment boxed and ready to go now and move within hours. If the Marine Corps ever loses that kind of readiness, I believe it will have lost its reason for being.

So in their 222d year of existence, the marines continue to celebrate the traditions of the Marine Corps. They honor and remember the sacrifices of marines who fought in places like Belleau Wood, Guadalcanal, Tarawa, Bougainville, Iwo Jima, Pork Chop Hill and the Chosen Reservoir, and Khe Sanh.

One thing that has remained the same though out the Marines history, and something that I am proud of, is in the way in that the Marine Corps recruits people. The Marine Corps recruits people to serve. They do not recruit on a promise of ''Here's what is good for you, or here's what you'll get out of it yourself'', they recruit by asking the question, ''Are you good enough to serve your country?'' And it is here, and later where they are trained, that the attitudes required to prepare them for battle, are instilled. It calls for each person to devote themselves to a purpose bigger than themselves, a purpose to each other, a purpose to the unit, a purpose to the corps, and a purpose to this country of ours.

This was well spelled out in a Parade magazine article last Sunday, November 9. This article said so much about the training that is going on in the Marine Corps today, training that continues to be updated from one war to the next.

This article was not written by some Marine Corps public relations person, it was written by Thomas E. Ricks, a writer for the Wall Street Journal. Mr Ricks starts out in the first part of this article by saying, ''What is it about the Marine Corps that makes it so successful in transforming teenage boys and girls into responsible, confident men and women? He goes on to show how ordinary ''Beavises and Butt-heads'' can be molded into effective leaders. And he says of himself, ''I majored in English literature at Yale, and, like everybody with whom I grew up and went to school with, I have no military experience. Yet I learned things at Parris Island that fascinated me.''

He talks about ''Lessons From Parris Island'' that are instilled into these young people coming into the Marine Corps which are—first, ''Tell the truth;'' second, ''Do your best, no matter how trivial the task;'' third, ''Choose the difficult right over the easy wrong;'' fourth, ''Look out for the group before you look out for yourself;'' fifth, ''Don't whine or make excuses;'' and, sixth, ''Judge others by their actions and not their race.''

By my way of thinking, those are some pretty good objectives for anybody in our society to follow. And they are the building blocks that are instilled in all U.S. Marines as they go through boot camp.

Mr. President, I will not read this whole article this morning. I ask unanimous consent that this article be printed in the RECORD.

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

A FEW GOOD TRUTHS

(By Thomas E. Ricks)

WHAT WE CAN LEARN FROM THEM

On a hot night in 1992, on my first deployment as a Pentagon reporter, I went on patrol in Mogadishu, Somalia, with a squad of Marines led by a 22-year-old corporal. Red and green tracer bullets cut arcs across the dark sky. It was a confusing and difficult time. Yet the corporal led the patrol with a confidence that was contagious.

Ever since that night, I had wanted to see how the Marine Corps turns teenage Americans into self-confident leaders. At a time when the nation seems distrustful of its teenage males—when young black men especially, and wrongly, are figures of fear for many—the military is different. It isn't just that it has done a better job than the larger society in dealing with drug abuse and racial tension—even though that is true. It also seems to be doing a better job of teaching teenagers the right away to live than does, say, the average American high school. And it thrives while drawing most of its personnel from the bottom half of our society, the half that isn't surfing the information superhighway.

I wanted to see how the Marines could turn an undereducated, cynical teenager into that young soldier, who, on his second night in Africa, could lead a file of men through the dark and dangerous city. How could a kid we would not trust to run the copier by himself back in my office in Washington become the squad leader addressing questions that could alter national policy: Do I shoot at this threatening mob in a Third World city? Do I fire when a local police officer points his weapon in my direction? If I am performing a limited peacekeeping mission, do I stop a rape when it occurs 50 yards in front of my position?

To find out how the Marines give young Americans the values and self-confidence to make those decisions, I decided to go to Marine boot camp. I went not as a recruit but as an observer. I come from the post-draft generation. I majored in English literature at Yale, and, like everybody with whom I grew up and went to school, I have no military experience. Yet I learned things at Parris Island that fascinated me—and should interest anyone who cares about where our youth are going. In a society that seems to have trouble transmitting healthy values, the Marines stand out as a successful institution that unabashedly teaches those values to the Beavises and Butt-heads of America.

I met Platoon 3086 on a foggy late winter night in 1995 when its bus arrived on Parris Island, S.C. I followed the recruits intermittently for their 11 weeks on the island, then during their first two years in the Marine Corps.

The recruits arrived steeped in the popular American culture of consumerism and individualism. To a surprising degree, before joining the Corps, they had been living part-time lives—working part-time, going to community college part-time (and getting lousy grades) and staying dazed on drugs and alcohol part-time. When they arrived on Parris Island, all that was taken away from them. They were stripped of the usual distractions, from television and music to cars and candy. They even lost the right to refer to themselves as ''I'' or ''me.'' When one confused recruit did so during the first week of boot camp, Sgt. Darren Carey, the platoon's ''heavy hat'' disciplinarian, stomped his foot on the cement floor and shouted, ''You got on the wrong bus, cause there ain't no I, me, my's or I's here!''

On Parris Island, for every waking moment during the next 11 weeks, they were immersed in a new, very different world. For the first time in their lives, many encountered absolute standards: Tell the truth. Don't give up. Don't whine. Look out for the group before you look out for yourself. Always do your best—even if you are just mopping the floor, you owe it to yourself and your comrades to strive to be the best mopper at this moment in the Corps. Judge others by their actions, not their words or their race.

The drill instructors weren't interested in excuses. Every day, they transmitted the lesson taught centuries ago by the ancient Greek, philosophers: Don't pursue happiness; pursue excellence. Make a habit of that, and you can have a fulfilling life.

These aren't complex ideas, but to persuade a cynical teenager to follow them, they must be painstakingly pursued every day—lived as well as preached. I have seen few people work as hard as did Platoon 3086's drill instructors in the first few weeks they led the platoon. Sergeant Carey, an intense young reconnaissance specialist from Long Island, routinely put in 17 hours a day, six and half days a week. His ability to drive himself at full speed all day long awed and inspired his charges. Recruit Paul Bourassa said of his drill instructor. ''When you're gone 16 hours, and you're wiped out, and you see him motoring, you say to yourself, 'I've go to tap into whatever he has.'''

Sergeant Carey clearly wasn't doing it for the money. He was paid $1775 a month—a figure that worked out to about the minimum wage. Of course, the wages were nearly irrelevant. The recruits learned that money isn't the measure of a man, that a person's real wealth is in his character. One of the funniest moments I saw in boot camp came when Sergeant Carey was lecturing the platoon on the importance of knowledge.

''Knowledge is what?'' he bellowed.

''Power, sir,'' responded the platoon.

''Power is what?'' he then asked.

That puzzled the platoon. Faces scrunched up in thought. Eventually one recruit hazarded a guess: ''Money?''

Sergenat Carey was dumbfounded to find such a civilian attitude persisting is his platoon. ''No!'' he shouted. ''Power is VICTORY!'' (Then, in a whispered aside, he added, ''I swear, I'm dealing with aliens.'')

The drill instructors didn't try to make their recruits happy. They tried to push the members of the platoon harder than they'd ever been pushed, to make them go beyond their own self-imposed limits. Nearly all the members of the platoon cried at one time or another. Yet by the end of 11 weeks almost all had been transformed by the experience—and were more fulfilled than they had ever been. They had subordinated their needs to those of the group, yet almost all emerged with a stronger sense of self. They unembarrassedly used words like ''integrity.''

I learned more than I expected. One of my favorite moments came when Sergeant Carey ordered a white supremacist from Alabama to share a tent in the woods with a black gang member from Washington, D.C. The drill instructor's message to the recruits was clear: If you two are going to be in the Marine Corps, you are going to have to learn to live with each other. Recruits Jonathan Prish and Earnest Winston Jr. became friends during that bivouac. ''We stuck up for each other after that,'' Prish said.

The recruits generally seemed to find race relations less of an issue at boot camp than in the neighborhoods they'd left behind. If America were more like the Marines, argued Luis Polanco-Medina, a recruit from New Jersey, ''there would be less crime, less racial tension among people, because Marine Corps discipline is also about brotherhood.''

Two other things surprised me. I didn't hear a lot of profanity. Once notoriously foul-mouthed, today's drill instructors generally are forbidden to use obscenities. Also, I saw very little brutality. ''I expected it to be tougher,'' said recruit Edward Linsky, in a typical comment as he sat on his footlocker.

Platoon 3086 graduated into the Marine Corps in May 1995 and became part of a family that includes 174,000 active-duty members and 2.1 million veterans (there really is no such thing as an ''ex-Marine''). Over the last two years, members of the platoon have experienced some disappointments. But as Paul Bourassa concluded a year after graduating from boot camp, ''It pretty much is a band of brothers.''

What I think the Marine Corps represents is counterculture, but the Marines are rebels with a cause. With their emphasis on honor, courage and commitment, they offer a powerful alternative to the loneliness and distrust that seem so widespread, especially among our youth.

Any American—young or old, pro- or anti-military—can learn something from today's Corps. That goes for the corporation as well as the individual. Just listen to Maj. Stephen Davis describe his approach to leadership: ''Concentrate on doing a single task as simply as you can, execute it flawlessly, take care of your people and go home.'' Those steps offer an efficient way to run any organization.

I took away a lot from boot camp myself. I don't talk to my own kids like a drill instructor (and neither do thoughtful drill instructors). But I was struck by the importance of the example the DIs provided: Kids want values, but they are rightly suspicious of talk without action. So while you need to talk to kids about values, your words will be meaningless unless you live them as well. Also, of all the things that can motivate people, the pursuit of excellence is one of the most effective—and one of the least used in our society.

None of this is a revelation. Lots of families live by these standards. But few of our public institutions seem to. ''You'd see the drill instructors teach kids who barely made it through high school that they weren't stupid that they could do things if they had the right can-do attitude,'' summarized Charles Lees of Platoon 3086. ''It was all the things you should learn growing up but, for some reason, society de-emphasizes.''

The white supremacist and the black gang member who were thrown together in boot camp both went on to happy careers in the Corps. Earnest Winston Jr., the D.C. gangbanger, became a specialist in the recovery of aircraft making emergency landings and was posted to Japan. ''It's beautiful,'' he told me. ''Not a lot of people on my block get to go places like these.'' His friend Jonathan Prish, the Alabaman, became a guard near the American Embassy in London, Prish had his racist tattoos covered. ''I've left all that behind,'' he said. ''You go out and see the world, and you see there are cool people in all colors.''

LESSONS FROM PARRIS ISLAND

Tell the truth.

Do your best, no matter how trivial the task.

Choose the difficult right over the easy wrong.

Look out for the group before you look out for yourself.

Don't whine or make excuses.

Judge others by their actions not their race.

TRIBUTE TO FRED PANG

Mr. GLENN. Mr. President, a man who worked with me very closely on the Armed Services Committee, Fred Pang, a man who rose to become the Assistant Secretary of Defense for Force Management Policy, will retire from almost 40 years of service to our Government, on November 16.

During these 40 years he has always kept one principle paramount in his service—that principle has been the welfare of the troops. Over his entire period of service, and especially during the past 3 years, he has constantly worked to improve the quality of life for our men and women in uniform and their families.

Mr. Pang's long and productive association with the military of the United States dates back to his earliest days. Growing up in Hawaii, his father was a shipyard worker at Pearl Harbor and a survivor of the Japanese attack on December 7, 1941. Perhaps growing up in Hawaii during World War II helped shape Mr. Pang's propensity for public service, his fervent patriotism, and his penchant to participate in the defense of our Nation. In high school, Mr. Pang was a member of the Army Junior Reserve Officer Training Corps program at McKinley High School. Next, he joined the Naval Reserves, and following boot camp in San Diego, he served aboard two destroyers. While pursuing his bachelor's degree at the University of Hawaii, he enrolled in the Air Force Reserve Officer Training Corps program, and upon graduation, he was commissioned a second lieutenant in the U.S. Air Force. Thus, began his long and illustrious active affiliation with the Department of Defense.

His 27-year Air Force career included a variety of manpower and personnel assignments, including a tour in Vietnam in 1968–69. Before retiring as a colonel in 1986, he was the Director Of Officer and Enlisted Personnel Management and the Director of Compensation in the Office of the Assistant Secretary of Defense for Force Management and Personnel—two of the most important and demanding personnel jobs in the entire Department of Defense for an active duty officer. During his stint in these jobs, he worked on many critically important projects with long-term implications for the professional personnel management of uniformed personnel. Most noteworthy was the research and analysis he did in support of the Defense Officer Personnel Management Act [DOPMA] of 1981. While this act was obviously the result of much hard work by many people and was, in the final analysis, a work of the Congress, the work done by Mr. Pang in the Department of Defense contributed immeasurably to its success. The fact that DOPMA has remained in tact for over 16 years as the governing law for all Department of Defense officer personnel stands in tribute to the work done by then-Colonel Pang and all others who contributed to its development.

Upon his retirement from the Air Force, and after a very short, 6 months, time in the private sector, Mr. Pang again answered the call of his country and went to work as a professional staff member on the Senate Armed Services Committee [SASC]. As the majority staffer on the Personnel Subcommittee of the SASC, Mr. Pang was recognized as one of the leading experts and most influential people in the entire Government when it came to matters relating to the management of U.S. military personnel. Although his accomplishments on the SASC are far too numerous to list here, there is one facet of his service with the committee, which deserves mention. Following the end of the cold war, the Department of Defense was faced with the unprecedented task of drawing down an All-Volunteer military. Having lived through the post-Vietnam war drawdown, which was something less than successful, Mr. Pang was determined that we would not return to hollow military of the mid- to late-1970's. Working tirelessly, he developed a package of downsizing incentives including the voluntary separation incentive [VSI], special separation benefit [SSB], and temporary early retirement authority [TERA]. These programs have proven themselves to be extraordinarily effective in helping reshape our military as it was reduced by some 33 percent. The results speak for themselves. Today, we have a military that is of higher quality in terms of education and aptitude scores than ever before in history. The force was drawndown in a well-balanced manner so that today our service men and women are more experienced and capable than ever before. Additionally, when the drawdown began, many feared that minorities and women would be disproportionately affected. So good were the tools provided by Congress, developed mostly by Mr. Pang and so skillful was the execution of the drawdown that the military force of today is more richly diverse than ever before.

Working with his committee chairman, Senator Sam Nunn of Georgia, Mr. Pang recognized that the true peace dividend coming out of the cold war was the incredible number of high quality men and women coming out of the military and returning to civilian life. He conceived and developed an innovative and effective package of transition benefit programs that have proved to be successful beyond anyone's wildest dreams. Literally millions of service men and women have separated from the military since the drawdown began. Transition counseling packages written into law along with brilliant and innovative programs such as Troops to Teachers and Troops to Cops have ensured that not only have our recent veterans found meaningful and rewarding employment, but that their skills, developed in the military, are now being utilized to the fullest in the civilian sector. A great deal of anecdotal evidence exists that these transition programs have worked exceedingly well. However, as overall evidence of the effectiveness of the transition programs developed by Mr. Pang, notwithstanding the huge number of people separating from the military during the downsizing, the amount of money, as a percent of the budget, that the Department of Defense has paid out in unemployment compensation has not increased at all. People are finding jobs in the private sector, and they are finding good jobs. Through job fairs and transition bulletin boards, private sector employers have acquired new employees who have a great work ethic, who understand the concept of mission, and who are drug free. And society has acquired former service members who are outstanding role models for the youth of America. Much of the credit for this truly American success story has got to go to Mr. Fred Pang.

During his tenure as Assistant Secretary of the Navy for Manpower and Reserve Affairs and as Assistant Secretary of Defense, Force Management Policy, Mr. Pang has continued and focused his leadership in the area of military and civilian personnel management and equal opportunity. Hard to put into words, but clearly evident from the accomplishments of the organizations that he has so skillfully led over the past 4 years, is the ''can do'', positive attitude that he inspires as a leader. During his tenure as Assistant Secretary of the Navy for Manpower and Reserve Affairs, he dealt with some of the thorniest issues facing the Navy in many years such as the Tailhook scandal and the U.S. Naval Academy cheating scandal. Mr. Pang's integrity and commonsense approach to problemsolving did much to put the Navy on the correct course in dealing with these very difficult issues. As the Assistant Secretary of Defense, Force Management Policy, he completely revised and made right the Department of Defense Directive on officer promotion and nomination procedures. In the aftermath of Tailhook and other highly publicized officer promotion and nomination problems, the new directive, written under Mr. Pang's leadership, has not only put the processing of these critical actions back on an efficient and timely track, but has restored the faith and confidence of the Senate Armed Services Committee and of the American public in the officer promotion and nomination process. One of the major efforts of former Secretary of Defense William Perry was improving the quality of life of service and family members. He placed Mr. Pang in charge of this effort and appointed him as the chairman of the Department of Defense Executive Committee on Quality of Life. Under Dr. Perry's guidance and Mr. Pang's leadership, the Quality of Life Executive Committee has made major accomplishments in improving the quality of life of our service and family members, and, for the first time, we have established a series of measurements and

standards for all quality of life services. Because of these efforts, the lives of service and family members worldwide have been improved and enriched.

Mr. Pang has led the Force Management Policy organization to new heights of efficiency and accomplishment across the spectrum of civilian and military personnel management; personnel support, families and education; equal opportunity; morale welfare and recreation and resale activities; and women in the military. He is leaving a legacy of service to the Department of Defense and our Nation, and most importantly, to our men and women serving in uniform, of dedicated service and lasting contributions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that morning business be extended until 12:30 under the same terms as previously agreed to.

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

ADOPTION AND SAFE FAMILIES ACT OF 1997

Mr. CHAFEE. Mr. President, I would like to express my strong support for legislation that will be considered by the Senate and has been considered by the House this morning. This legislation is the Adoption and Safe Families Act of 1997. This bill, which is a compromise version of legislation that I introduced originally now has as supporters and sponsors: Senator ROCKEFELLER, Senator CRAIG, Senator BOND, Senator DEWINE, Senator COATS, Senator JEFFORDS, Senator LANDRIEU, Senator LEVIN, Senator KERREY, Senator DORGAN, Senator MOYNIHAN, Senator MOSELEY-BRAUN, and Senator JOHNSON. Mr. President, this legislation will make some critical changes to the child welfare system—changes that will vastly improve the lives of hundreds of thousands of children currently in foster care and waiting for adoptive homes. I am very hopeful that the President, who has indicated his support for this legislation, will sign this measure promptly.

Mr. President, just yesterday, there was yet another story in the newspapers about a young girl, 9 years old, who was found dead from severe abuse in her sister's Bronx apartment. The tragic story of young Sabrina Green's short life is harrowing, and it is all too reminiscent of the cases we read and hear about, unfortunately, every single day. Each time I read about a case like Sabrina Green's, I feel outrage and frustration with a system that cannot take care of the most vulnerable members of our society. Now, Mr. President, we cannot bring Sabrina Green back to life, nor can we bring back any of the hundreds of children who have died under similar circumstances; but we can take action to prevent such deaths in the future, and that is what we are doing today.

The bill that will come over to us shortly, Mr. President, will put the safety and health of the child first. That is a significant change in the law. Under this legislation, the safety and health of the child will come first. We will not continue the current system of always putting the needs and rights of the biological parents first. While we still believe that family reunification is a worthy goal, it's time we recognize that some families simply cannot and should not be kept together. Children who have suffered severe abuse or whose parents have committed violent crimes should be moved out of those homes rapidly and into adoptive homes. Our bill does that. Children who are in foster care for over 15 months deserve to have a decision made about their future. Our legislation does both of those things.

It is also time we put a stop to children lingering in foster care for years. There are currently half a million children in this country—500,000 children in the United States of America—who have been removed from their abusive or neglectful parents and are living in foster care. In my State, there are 1,500 of these children in foster care. Nationally, each of these children in foster care will remain so for an average of 3 years before a decision is made about their future, and many of them will wait much longer. The average is 3 years. Some have stayed for years and years in foster care. Today, we are sending those half a million children a message of hope. Under this legislation, their time in foster care will be shortened. States will be required to make a permanent plan for these children after a year, and if a child has been in foster care for more than 15 months—1 year and 3 months—the State will be required to take the first steps toward terminating parental rights and finding an adoptive home.

Terminating parental rights is the critical first step in moving children into permanent placements, but it is not enough. We also must promote adoption of these children, and our bill does that. Our bill removes geographic barriers to adoption. There are no limitations under this bill about children in one State having to be adopted in that State. We remove these geographic barriers to adoption and require States to document efforts to move children into safe adoptive homes. We also provide financial bonuses to States that increase their adoption rights. There is money here for States that increase the rate of adoption in their States.

There are legal and procedural barriers to adoption, and there are also financial barriers. Lack of medical coverage is one such barrier to families who want to adopt special needs children. What is a special needs child? It is a child who has medical problems or physical problems, or a child of such an age, maybe 15 or 16, in a foster home. Adoptive parents are very reluctant to take on a child of that age. Many of these children have significant physical and mental health problems due to years of abuse and neglect and foster care. Many of these children have been shuttled from foster parent to foster parent. So the adoptive parents are taking a huge financial risk in adopting these children if the parents are not guaranteed that there will be health insurance for these special needs children. Our bill ensures that special needs children who are going to be adopted will have medical coverage. We also ensure that children whose adoptive parents die or whose adoptions disrupt or terminate for some reason, they will continue to receive Federal subsidies when they are adopted by new parents.

Mr. President, I am very proud of this legislation. The Senate and House sponsors have worked tirelessly for many months to come to an agreement. Our shared commitment to improving the lives of these children brought us together. In closing, I want to especially thank my good friend, Senator JAY ROCKEFELLER, who has spent years devoting his time and attention to these children. I also thank Senator CRAIG, who brought his own personal experiences and dedication to this effort, and Senator DEWINE, who brought so much expertise and professional experience to this initiative. I also want to thank the other members of the coalition, those Senators that I mentioned earlier, and I will repeat their names—Senator BOND, Senator COATS, Senator JEFFORDS, Senator LANDRIEU, Senator LEVIN, Senator KERREY, Senator DORGAN, Senator MOYNIHAN, Senator MOSELEY-BRAUN, and Senator JOHNSON.

I also want to congratulate the House sponsors who worked so hard on this—Congressman CAMP and Congresswoman KENNELLY.

I thank our staffs for the extraordinary efforts they devoted to achieving passage of this legislation. Particularly, I salute Laurie Rubiner, of my staff, and Barbara Pryor, of Senator ROCKEFELLER's staff. All of these individuals that are mentioned, and others, have been so helpful in achieving passage of this legislation, which I think has just now passed the House and will be coming here. We look for rapid action here.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FOREIGN OPERATIONS FISCAL YEAR 1998 APPROPRIATIONS—CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, under the previous order, I submit a report of the committee of conference on the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the conference report.

The assistant legislative clerk read as follows.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2159) have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate will proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 12, 1997.)

The PRESIDING OFFICER. There is now 30 minutes of debate equally divided. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I am pleased the Senate is taking up this afternoon H.R. 2159, the foreign operations, export financing and related programs for fiscal year 1998. As is the case every year, it was not easy getting to this point partly because this bill is very different than the bills we passed in the last several years.

First and foremost, we have increased our commitment to America's global leadership by nearly $1 billion. We have provided $12.8 billion for the 1998 foreign assistance programs and an additional $359 million in arrears we have owed to multilateral institutions, bringing the grand total to $13.1 billion, a shade under the administration's request.

Let me review the important contributions this bill will make to stability and security around the world.

First, Mr. President, we have substantially increased our commitment to the New Independent States of the former Soviet Union over last year's levels; $770 million for the region has been provided, including earmarks of $225 million for Ukraine, $92.5 million for Georgia, and $87.5 million for Armenia. Funds for Georgia and Armenia, along with resources to assist the victims of the Nagorno-Karabakh and Abkhaz conflicts are included within a new $250 million regional Caucasus fund. Congressman CALLAHAN, my counterpart in the House, deserves credit for the idea to create this fund, believing it would provide incentive to achieve a peace agreement between Armenia and Azerbaijan.

In an effort to assure balance to our regional approach and promote American energy security interests, we have ended the confusion over the impact of section 907 and clearly authorized OPIC, Ex-Im, TDA, and the Foreign Commercial Service support for American businesses operating in Azerbaijan and the Caspian.

I believe we have served our clear interest in securing stability and economic growth in the New Independent States with these earmarks and the overall level of funding for that area. I also think we have served both our principles and security interests with two Senate provisions which were included in the conference report.

The first addresses the issue of Russian cooperation with Iran on its nuclear and ballistic missile program. I have repeatedly expressed my disappointment with the administration's reluctance to leverage U.S. assistance to secure an end to this lethal cooperation. Let me remind my colleagues that we have provided more than $4 billion in aid to Russia—more than any we have provided to any combination of other countries.

For the past several years, the Senate has carried a provision suspending aid unless the Russians stopped their training, technology transfer and support for the Iranian nuclear program. Each year a waiver has been added in conference because of a threat of veto and the President has in fact exercised the waiver. Each time he has done so the Iranians have moved closer to acquiring and testing a ballistic missile. This year, instead of a blanket waiver, the President will have to prove the Russians have taken specific steps to curtail the nuclear cooperation. While it is not as tough as I would have liked, it is a vast improvement over the broad waiver we have given him in the past.

I also want to draw attention to the efforts of Senator BENNETT and Senator GORDON SMITH who worked hard to assure inclusion of a provision conditioning assistance on Russia's protection of religious freedom. There is no freedom more fundamental than the right to worship in a church of one's choice. The legislation President Yeltsin signed into law appears to have a chilling effect on religious freedom, a problem we have addressed by requiring the President to certify that the government has not enforced or implemented laws which would discriminate against religious groups or religious communities.

Now, Mr. President, beyond the NIS, I think the bill clearly serves our national security interests in the Middle East by sustaining our past earmarks for Israel and Egypt and expanding and earmarking support to Jordan. At a time when the foreign aid request increased by nearly $1 billion, I was disappointed the administration only asked for $70 million for Jordan.

An increase was a very high priority for me, and I am pleased to report the conference agreement provides $225 million in economic and security assistance as recognition for King Hussein's contribution and determination to achieve a durable peace and regional stability.

Let me once again note my concern about Egypt's role in the peace process. For more than a decade, the bill has consistently stated that resources are provided as a measure of the recipient's commitment and support for peace. For the past 18 months, there is no question that Cairo has not faithfully served that key interest. Just this week, Mr. President, Egyptian officials announced they would not send representatives to an economic summit designed to restore relations and rebuild confidence. This is not an isolated example of problems in our relations with Egypt. In particular, Cairo's international campaign to remove sanctions against Libya is inexcusable. I expect that the bill's provision to withhold 5 percent of the aid to any country failing to enforce the sanctions may affect Egypt's assistance, notwithstanding the earmark. Let me put everyone on notice that if this persists, once again, next year as I did this year, I will not be including an earmark for Egypt in the chairman's mark as we begin the process of developing the appropriations bill for foreign operations for next year.

Turning to other areas, the bill also reflects the Senate's commitment to strengthen our economic interests by increasing over the President's request our support for the Export-Import Bank. The Bank provides crucial support to U.S. exporters, creating jobs and income. I did not think the President's request was adequate to meet America's commercial interests. Consistent with the Senate's decision, we provide $51 million more than the request for a total of $683 million.

This support comes with a word of caution for the board. I share my colleagues' concerns about the substantial funding that has been made available to Gazprom by the Bank, given Gazprom's announced plans to develop Iranian gas fields. The Bank must suspend support for Gazprom until the problem can be resolved. Complementing support for the Bank, we have provided the full request and authorization language for OPIC and $41.5 million for the Trade Development Agency. Both are consistent with Senate positions.

Mr. President, in Asia, important priorities were sustained in the conference report. The Senate's position increasing aid to supporters of democracy in Burma, restricting assistance to the Hun Sen Government in Cambodia, and funding for the Korean Energy Development Organization was included. With regard to KEDO—that is the Korean Energy Development Organization—the conference agreed to our effort to reduce the costs of purchasing oil on the spot market by fully funding the 1998 costs and providing $10 million in back debt if other donors contribute sufficient funds to clear the balance.

After much negotiation and some modifications, we also preserved the

Senate's interests in conditioning aid to governments in the Balkans which refuse to cooperate in the extradition of war criminals. It is absolutely clear that inclusion of tough provisions in the original chairman's mark produced immediate results in U.S. efforts to secure cooperation. I intend to closely watch the situation to assure the administration continues to press for the transfer and prosecution of war criminals. There will be no long-term peace or stability in Bosnia or, for that matter, in the region if we fail in this effort to bring about a moral reconciliation.

Finally, Mr. President, let me mention the multilateral financial institutions. We have fully funded the International Development Association and met our commitments at the other regional banks and made a substantial downpayment on clearing all outstanding arrears. Senator DOMENICI deserves recognition for establishing the guidelines allowing us to solve this vexing problem without compromising current programs.

Unfortunately, in trying to resolve the matter of funding for family planning, the administration chose to pay a very high price and agreed to abandon efforts to fund the IMF's New Arrangements for Borrowing. Events in the Asian markets make clear the need for the NAB, a facility which would assure a multilateral effort to ease currency in economic crises. I support this burdensharing institution and will continue to work with the administration to find a vehicle to provide this vital line of credit.

I thank my friend and colleague, Senator LEAHY, for his good advice and exceptional cooperation in achieving passage of this bill. He played a key role in assuring full funding for the multilateral institutions and the development assistance programs. In particular, he deserves recognition for looking ahead to a major threat facing this country and successfully fighting to expand U.S. efforts to combat infectious diseases. Senator LEAHY is ably assisted in this effort by Tim Reiser, who has been a patient and persistent staff director for the minority.

I also wish to thank Chairman STEVENS and his staff director, Steve Cortese, for their active engagement and support at key points as we worked to secure passage. Senator STEVENS is the model of a good chairman. He is always there with good ideas when you need him. Let me also thank Jay Kimmitt for his invaluable assistance in putting together the bill and the report.

I ask unanimous consent that Members be permitted to submit statements prior to passage and that staff be able to make technical corrections.

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

Mr. MCCONNELL. Further, Mr. President, let me thank my long-time foreign policy adviser, Robin Cleveland, who sits here to my right, for her invaluable assistance in developing this package and for her tenacity in sticking with it all the way to the end, which has been a tortuous path and difficult to predict from moment to moment over the last month. Robin's done that with intelligence and good humor when that was required and toughness when that was required. It is always a pleasure to work with her. I have immensely enjoyed doing that over the last 13 years. And to her right, Billy Piper, who also makes an important contribution to this debate every year. Billy has been a pleasure to work with over the course of this legislation . And also Robin's assistant on the committee, Will Smith. I appreciate the important contribution that he has made.

Mr. President, with that, I see my friend and colleague is here, and I will yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I am pleased to say that we have finally completed action on the fiscal year 1998 foreign operations conference report. I want to thank the chairman of the Appropriations Committee, Senator STEVENS, and the ranking member, Senator BYRD, for their support throughout this process, and the chairman of the Foreign Operations Subcommittee, Senator MCCONNELL, for his leadership and bipartisanship. The Appropriations Committee is an extraordinary group of people who work together, Republicans and Democrats, like no other committee, and it is a privilege to be part of it.

The conference report that we are adopting as part of this package today is the product of a year's work and many sleepless nights. Although we finished our conference on all but two issues several weeks ago, it would be an understatement to say that resolving those open issues, especially funding for international family planning, has not been easy.

There were times when I did not think we would get here. As I have said before, I long for the time when we set aside a day or two each year to debate and vote on abortion—once, twice, 50 times if necessary. It would consume that day or two, but it would be worth it. Then we would not have to revisit the issue time and time again, as we do now for no apparent purpose, only to repeat what has already been said or voted on innumerable times before. It would save a great deal of time, it would give everyone ample opportunity to be counted, and we could spend the rest of the year on other pressing business. I offer that as a suggestion, for what it is worth.

The agreement we have reached on family planning is not everything that I would like, but that is to be expected. An issue as divisive as this is not going to be resolved in a way that anyone is happy about. The agreement would freeze funding for these programs at last year's level, and limit disbursement to a rate of 8.34 percent per month over the 1998 fiscal year. I would have far preferred the Senate funding level of $435 million, but the cut was part of the price of keeping Mexico City language out of the bill and avoiding a veto.

The American people should also be aware that the pro-Mexico City faction in the House exacted a heavy price on the administration for its refusal to accept the Mexico City language. The price was that the U.S. contribution to the IMF's New Arrangements to Borrow, the previously agreed upon down payment on U.S. arrears to the United Nations, and the authorization for the State Department reorganization, are no longer included. Although these last two are not foreign operations matters, it is outrageous that they were linked to the family planning issue in the first place. There are sound foreign policy reasons for paying our U.N. arrears especially when just yesterday we were petitioning the United Nations for support for sanctions against Iraq. This is the American people's loss, as much as it is the State Department's loss, and I find it incredible that the House leadership would permit this result. It is shortsighted, it is vindictive, and it severely undercuts U.S. leadership around the world. There should be no mistake about who bears responsibility. We have a Secretary of State who is deeply respected and admired around the world. She needs our support. It is tragic and inexplicable that because a few dozen House Members did not get their way on an unrelated issue, they have denied her the tools to do her job. I intend to do whatever I can to see that this is corrected at the earliest possible date next year.

Mr. President, I hope we can avoid repeating again next year the tortuous process that got us here. As long as President Clinton is in the White House, the Mexico City policy is not going to become law. It is time that people in the House accepted that and saved us all the headache of refighting this pointless battle.

Now that the conference report has been completed I want to take this opportunity to speak on a number of other provisions in it.

I am very pleased that we have fully funded our commitments, including arrearages, to the World Bank. I will have a separate statement on that because I believe it so important that the World Bank's management and the Treasury Department understand the importance we give to U.S. leadership in the international financial institutions, and our intention that our influence be exerted to achieve significant reforms in a number of critical areas.

One of the provisions I am especially proud of in the conference report is entitled ''Limitation on Assistance to Security Forces,'' which has also become known as the Leahy law. This provision expands on current law, which seeks to ensure that U.S. assistance does not go to individuals who abuse

human rights. I want to thank Congressman GILMAN for his support for this provision. Despite an initial misunderstanding about how the current provision was being applied, I am convinced that he too wants to do everything possible to ensure that in our efforts to support foreign security forces that respect human rights, we also prevent those who abuse human rights from receiving our assistance.

In order to implement this provision, the State Department has required recipients of our assistance to enter into end-use monitoring agreements, and to ensure that if there is credible evidence that a security force unit that has received our assistance has abused human rights, effective measures are being taken to bring the responsible individuals to justice. These agreements should be routine whether or not the Leahy law were in effect. The kind of measures we expect a foreign government to take to bring those responsible to justice are discussed in the joint statement of the managers accompanying the conference report. We also make clear that we expect our own Government to do everything it can to assist in that effort.

Mr. President, before I leave this subject I want to mention that while we have seen a decrease in abuses by the Colombian Army, there has been an alarming increase in atrocities attributed to paramilitary forces in that country. We have seen this pattern in other Latin American countries where the armed forces, either actively or passively, supported the clandestine activities of paramilitary forces. I want it to be known that as the author of the Leahy law, I believe it is incumbent on the Colombian Army to demonstrate that it is not acting in collusion with the paramilitary groups, or standing by idly as they do their dirty deeds.

Mr. President, to turn to another subject, the international community rapidly responded with sanctions in the aftermath of the July 1997 coup in Cambodia. According to reports, the suspension of foreign assistance, which constitutes nearly two-thirds of Cambodia's annual revenue, sent a strong message to Hun Sen and his supporters.

The conference report prohibits most bilateral aid to the Cambodian Government and instructs United States executive directors of the international financial institutions to vote in opposition to loans to Cambodia. The joint statement of the managers also expresses the hope that Hun Sen's political opponents will be allowed to return to Cambodia and safely participate in free and fair elections.

These measures and others like them have been instituted around the world against the perpetrators of the coup. They are a necessary and important response to those who stand in the way of democracy. Nevertheless, the sanctions directed against Hun Sen and his supporters have also fallen heavily on the shoulders of the Cambodian people. Therefore, the conference report permits humanitarian, demining, and electoral assistance to go forward. One item Congressman Callahan and I had agreed upon but because of an oversight neglected to include in the joint statement of the managers, was a statement that the prohibition on assistance to Cambodia is not intended to preclude basic education programs as long as they are conducted at the local level and not through the central government. During the Khmer Rouge regime most of the country's teachers were killed or forced into exile. A large percentage of the population is illiterate, and we want to continue basic education activities as part of our effort to help the Cambodian people overcome that tragic period.

Finally, I want to make clear that while we do permit electoral assistance, I would not support significant expenditures in this area unless Hun Sen is demonstrating his commitment to free and fair elections, to the prosecution of individuals implicated in the U.N. human rights investigation of the July 1997 coup, and then only if Hun Sen has made an unequivocal statement that if defeated in a free and fair election he would relinquish power.

Mr. President, another initiative I am very proud of seeks to enhance U.S. leadership in the global effort to combat the spread of infectious diseases, which also poses a direct threat to the health and welfare of Americans. We include in the conference report sufficient funds to provide an additional $50,000,000 for these activities. The Senate and House foreign operations reports, as well as the joint statement of the managers, describe the rationale for this initiative and the purposes for which we are making these additional funds available. I also intend to solicit the recommendations of AID, the World Health Organization, the Center for Disease Control, the National Institute of Health, and other agencies, organizations and distinguished individuals, regarding how we can most effectively use these funds to buttress existing efforts in surveillance and control of infectious diseases.

The Leahy war victims fund has been assisting war victims in over a dozen countries since 1989. I am pleased that the joint statement of the managers recommends up to $7,500,000 for these programs in fiscal year 1998, a $2,500,000 increase over the current level. The fund has been primarily used to assist victims of landmine explosions, a problem that has attracted increasing world attention, but it is also available to support other types of assistance to disabled war victims. This is consistent with the President's September 17 announcement that the administration intends to devote considerably more resources to demining and to assist landmine victims.

Over the years, the Congress has passed numerous resolutions on the situation in East Timor. Despite international pressure, the Indonesian Government has refused to withdraw its thousands of troops from the island. The situation has remained tense since the 1990 Dili massacre, the anniversary of which coincidentally was yesterday, and arbitrary arrests and disappearances of East Timorese are common.

Indonesia is the world's fourth most populous country and enjoys close economic and security relations with the United States. I would like to see that relationship flourish. But we cannot ignore what happened this past June when supporters of democracy were arrested and killed by Indonesian soldiers, and the main political opponent of the Suharto regime was forced to withdraw from the election, notwithstanding that the election was rigged from the start. Nor can we ignore the abuses in East Timor. I had the honor of meeting East Timorese Bishop Bello earlier this year, and I believe that while we should encourage close relations with Indonesia, we should also do what we can to ensure that we are not contributing to the problems in East Timor. For that reason, a provision I authored was included in the conference report which is designed to prevent United States lethal equipment or helicopters from being used in East Timor. This provision is intended to expand on the administration's current policy of not providing small arms, crowd control items, or armored personnel carriers to Indonesia. It is also consistent with actions taken recently by the British Government.

There is a provision in the conference report which makes funds available for reconstruction and remedial activities relating to the consequences of conflicts within the Caucasus region. These funds, which will be made available through nongovernmental and international organizations, are very important. Contrary to what some have suggested, we are not providing direct assistance to the authorities in the conflict areas because we do not want to become embroiled in the issues of sovereignty and control that remain unresolved there. However, there are needy people in Nagorno Karabakh and Abkhazia who we want to help recover from the ravages of war.

Mr. President, I want to mention a couple of other items. The Senate report encourages AID to establish a program of physicians exchanges with the countries of the former Soviet Union, with a focus on the diseases that are major contributors to excess morbidity and mortality and where effective medical intervention is possible. I strongly support this idea and look forward to hearing AID's reactions.

Also in the Senate report we discuss the alarming incidence of violence against women in Russia. The administration has taken some steps in this area in response to congressional concerns, but I am convinced that far

more could be done to tap the experience and knowledge of U.S. police officers and prosecutors who have developed procedures for dealing with domestic violence here. We have requested the State Department, in consultation with the Justice Department, to submit a report on future plans in this area and I strongly encourage them to pursue training programs that bring U.S. and Russian police officers together, preferably in Russia, to address these issues.

Finally, the conference report requires the Department of Defense, in consultation with the Department of State, to submit a report to the Appropriations Committees describing potential alternative technologies and tactics, and a plan for the development of such alternatives, to protect antitank landmines from tampering in a manner consistent with the Ottawa Treaty, which bans antipersonnel mines. This is very important because if we are ever going to join that treaty, as I believe we must, we need to solve this problem. I am convinced it can be solved. Informed people in the Pentagon say it boils down to preventing tampering with antitank mines that are aerially delivered at remote distances, and then only for a period of 30 minutes which is the difference in time it takes an enemy soldier to disarm or remove an anti-tank mine alone, and one that is protected with antipersonnel mines. Unfortunately, there is an institutional inertia at the Pentagon that stands in the way of solving it. There is little inclination to do so absent an order from above. This report, which we expect to be objective and thorough, is intended to set the stage for such an effort.

Mr. President, I believe this is among the better foreign operations bills to have passed the Congress in several years. I am disappointed that the U.S. contribution to the IMF's New Arrangements to Borrow fell victim to the Mexico City issue, but I am confident that it will be passed on a supplemental appropriations bill next year. It does not score against the budget, and in fact would reduce the burden on the U.S. Treasury in the event the U.S. is needed to help prevent harm to the U.S. economy from an international financial crisis. Why the House did not want that is beyond me.

THE WORLD BANK

Mr. President, the fiscal year 1998 foreign operations conference report contains full funding for the International Development Association [IDA], the concessional lending window of the World Bank. It also fully funds our past commitments to IDA. With this appropriation we will be current, for the first time in several years, in our payments to IDA. This is an important milestone, and I appreciate the support of the chairman of the Appropriations Committee, Senator STEVENS, the chairman of the Foreign Operations Subcommittee, Senator MCCONNELL, the chairman of the Budget Committee, Senator DOMENCICI, and others, who also supported this funding, because it reaffirms U.S. leadership at the World Bank and our intention to exert that leadership to promote significant reforms in the institution. As one who played a role in obtaining this funding, I can say with confidence that the Congress is sending two important messages by approving the conference report.

First, we recognize that in order to exert leadership in the multilateral development banks we need to meet our financial commitments. We have been in the ludicrous position of having an American, Jim Wolfensohn, at the helm of the World Bank, but our representative on the Board of Directors has been at the sidelines, unable to even vote on some loans. Why? The U.S. sank so far into arrears to IDA—nearly $1 billion at one point—that some of our voting privileges were revoked. Now, with the passage of this legislation we are paying off the last bit of arrearages, $235 million, plus our current obligations.

Second, we are sending the message that we expect this investment to yield results. We are fortunate that World Bank President Wolfensohn is a dynamic and reform-minded leader who is taking steps to shake up the bureaucracy, get rid of dead wood and demand high standards of performance. His reform plan, the strategic compact, promises development results in 2 years. Frankly, I am concerned that despite his best intentions, the Bank bureaucracy continues to put up fierce resistance and may in the end succeed in thwarting many of his reforms. That is why this reaffirmation of U.S. leadership is so important.

Reform at the World Bank is moving forward, but there is a long way to go. Not all member countries have the same vision for change that we have. I want to take this opportunity to briefly discuss what I believe the Congress needs to see, at a minimum, from the Bank's reform efforts in order to continue to support the institution. We expect the Treasury Department and the U.S. Executive Director to work closely with the Congress to achieve these reforms.

One of the issues that has received increased attention in recent years is the Bank's role in fostering good governance. I think this is critical. While the Bank needs to avoid becoming embroiled in the domestic politics of borrowing countries, when systems are corrupt and on the take the Bank cannot look the other way. When governments are undemocratic, when they abuse human rights, the World Bank as a public institution must not collude. The Bank has made strides in attacking corruption, but stronger action is needed. In addition, the Bank needs to ensure that it is not the handmaiden of borrowing governments that trample on the needs and rights of people in the pursuit of economic prosperity.

A related issue, because of its importance to the quality of Bank lending and borrowing governments' responsibility to their people, is consultation with local people. The Foreign Operations Conference Report calls on the Bank to systematically consult with local communities on the potential impact of loans as part of the normal lending process, and to expand the participation of affected peoples and nongovernmental organizations in decisions on the selection, design and implementation of projects and economic reform programs. This is common sense. It is also vitally important. Private corporations do not launch products or services without market surveys and the knowledge that there is a demand for what they have to offer. Public institutions, like the World Bank, also need to know about the people they are serving. This does not mean just interacting more with affected communities, it means letting them wield influence and responding to their concerns.

The Bank has taken steps in this direction. It is decentralizing and hiring staff for its Resident Missions that are concerned with the well-being of affected communities. We want to know whether the intended beneficiaries of Bank-financed projects want these projects and whether they have a say in designing them. Too often, local people are not involved in a project until the implementation stage, when it is too late to have a real influence. Efforts at headquarters and in the regions need considerably more resources to work with borrowers to reach out to affected communities.

The Bank's loan portfolio has a low level of sustainable projects. Studies show that in recent years, only two-thirds have succeeded during implementation. Only 44 percent have been sustained after completion. Social assessments are now performed on less than ten percent of projects, despite the fact that every project has a social impact. We want the Bank to deliver on the promise of its strategic compact to substantially increase this percentage in 2 years. Over and over again, the Bank's own studies show that projects with good social assessment seldom fail. And we do not want social assessments limited to projects in the social sectors. They are just as essential for lending for structural adjustment, financial sector reform, energy, and industry as they are for education and health loans. In addition, we want these assessments to address the needs of the most vulnerable people. As we all know, powerful interest groups can represent themselves.

It is not enough to do environmental impact assessments [EIA's] and social assessments. They need to be acted on. EIA's are often shelved and do not influence project design. That is a waste of money, it does environmental damage and betrays the people involved.

We would not want the Army Corps of Engineers to ignore these kinds of assessments, and the World Bank should not either.

The World Bank is a bank as well as a development institution. We understand the pressure to keep loan volumes at certain levels. We also understand that to be competitive, the Bank needs to serve its client governments in a timely and efficient way. However, some of the reform efforts are going overboard in this direction. Careful project preparation with quality checks should not be sacrificed on the altar of speed and efficiency. I know Mr. Wolfensohn shares our concerns about this. The Bank needs to provide management with much stronger incentives to maintain quality in the face of pressures for volume and speed.

For participation in Bank-supported lending operations to be meaningful, people need information. In 1992, the Bank adopted an information disclosure policy, largely in response to pressure from Congress. It has made gradual progress in implementing that policy. Much more needs to be done in terms of making the information available in borrowing countries in local languages, and providing information in a timely way at early stages of lending operations. The Project Information Document, which describes plans for operations, is often provided late, incomplete, and only in English.

We want to see progress in providing the full text of Project Concept Documents as well as draft copies of technical papers that assess feasibility, and information from Country Assistance Strategies.

A Country Assistance Strategy is the Bank's master plan for lending to each borrower country, and it describes the Bank's framework for all operations and priority investments. More needs to be done to include social development analyses in the these documents. In addition, the bulk of their contents should be available to the public. Parliaments and citizens have a right to information about the Bank's lending plans. I recognize that some of the Country Assistance Strategy contents are confidential, but the essentials certainly should not be. Nonetheless, Bank management has opposed proposals to release these and other documents containing their projected lending plans. That is unacceptable.

We also need to see greater openness between the World Bank management and the Board of Directors. During late 1996 and 1997, the Bank conducted a substantial review of its portfolio. It reviewed 150 projects in 14 sectors at a cost of $800,000. For reasons that I find inexplicable, some Board members have been unable to obtain these studies.

We do not want our dollars contributing to bloated state bureaucracies and systems in which the private sector is crowded out by state controls. On the other hand, there is obviously a role for governments, as the Bank's most recent World Development Report describes, and for public-private partnerships. The Bank is doing more today to promote such partnerships than it ever has. I welcome that.

But promoting the private sector must not come at the expense of normal precautions about financial, technical, social and environmental risks. Public inducements to investment, such as guarantees against political risks, must not distort the feasibility analyses of project viability. To insure that this does not happen, Mr. Wolfensohn has said he wants to harmonize the World Bank Group's activities under one set of social and environmental policies. At the present time, there are different standards in the World Bank Group. For instance, the International Finance Corp., the Bank's affiliate that deals with the private sector, has lower standards with respect to information disclosure, protection of the environment and of the rights of indigenous peoples.

The answer is not to abolish or weaken sound policies and standards. It is essential that harmonization not result in a retreat from current policies to a lowest common denominator. I am concerned that Bank management is under pressure to do that. Congress helped to create some of these global standards. They need to be respected and built upon by the Bank Group, including the IFC and Multilateral Investment Guarantee Agency. There is language on the IFC in the Foreign Operations Conference Report which aims to make progress in this area.

Currently, the World Bank stresses lending to countries which adopt sound macroeconomic policies. That makes sense, but the Bank should also give priority in lending to governments which listen to their people, involve them in development activities, and demonstrate a commitment to reducing poverty.

The World Bank says its primary purpose is to reduce poverty, but it is falling short in building the political will among member governments to achieve this goal. The rift between rhetoric and reality remains wide. IDA resources must do more than reach poor countries. They must reach and benefit poor and marginalized people in those countries. In 1995, an evaluation showed that just 10 percent of World Bank projects launched in the mid-1980's contained poverty reduction components, and many of those fell short of thier goals.

Surveys of borrower country officials reveal a high level of dissatisfaction with the Bank's lack of focus on poverty and equity issues. Some are even unaware that the Bank's purpose is poverty reduction. The World Bank needs a far more systematic approach to these issues.

Each IDA loan or transaction should describe how it will reduce poverty. As I have consistently urged for years, World Bank investments in nutrition, health, education, and family planning should increase, as should programs which increase poor people's access to productive assets, such as land, water and credit. But according to information I have received, World Bank figures for fiscal year 1997 show that lending for education and health, including nutrition, and AIDS prevention has fallen from roughly $4 billion in 1996 to $2.25 billion in 1997.

The Inspection Panel, which was established in part in response to pressure from Congress, must be maintained and supported. The Panel investigates whether the Bank has violated its own policies. Its investigations have helped the Bank restructure or halt projects, such as dam construction, when they were poorly conceived or implemented. It is one of the few mechanisms that allows local people affected by Bank-supported projects to identify problems and seek redress. I am concerned that there are people among the Bank's management and its borrower governments who resent the Panel looking over their shoulders. Those individuals need to recognize that they are entrusted with public funds, and are responsible for adhering to their own policies and guidelines. The World Bank needs to be a broker of many interests. Some borrower governments lack the mechanisms to insure that the interests of indigenous people affected by the construction of infrastructure, such as large dams, are represented.

Mr. President, there is one other issue I want to mention. It is the mistreatment of women employees at the Bank. Women have been subjected to gender discrimination, retaliation, abuse of power, and sexual harassment. It is a systemic problem. It has been virtually ignored. In fact, complaints brought by women who allege mistreatment by their managers have been aggressively fought by the Bank's lawyers. That is bad enough. Even worse is that the Bank, because it is an international organization, is immune from lawsuit in U.S. courts. The only recourse for a person who alleges abuse is the Bank's internal grievance process, which, to put it bluntly, is a sham. The deck is stacked against the claimant. Investigations are cursory, at best. Requests to call witnesses are denied. Rulings are based on hearsay, double hearsay, and innuendo. Even if a claimant who has left her job because of the abuse files a grievance and prevails, the remedy is limited to monetary compensation. The process is patently unfair and the people who investigate and adjudicate these cases have failed in their responsibility. There is a culture at the Bank that discourages witnesses to come forward for fear of retribution. It is nothing unusual. We have seen the same thing in the Armed Forces, in private industry, in any bureaucracy, but that is no excuse.

I have tried to get Bank management to deal aggressively with this problem. I get assurances that they are aware of the inadequacies in the grievance process and are taking steps to remedy the

situation. So far, I am not impressed. They are not treating this situation with the seriousness it demands. They are too quick to shift the blame to the victim for being ''too aggressive,'' ''not a good listener,'' or ''in over her head,'' even when their own performarnce review process is badly flawed. I intend to monitor this closely because radical change is urgently needed.

Mr. President, I have faith in Jim Wolfensohn to promote these reforms. I know he agrees that they are fundamental to the Bank's future, and of great importance to the Congress. They are especially important because the Bank is a pace setter for other international institutions. Ultimately, the success or failure of this effort will determine whether or not these institutions play the key role we need them to play in advancing political, economic and social stability around the world. Real stability depends on development that gives everyone a chance for prosperity. That is the central purpose of these reforms, and I hope the Bank's management understands how serious this is to the Congress, especially to those in Congress who have fought the hardest to support these institutions.

Mr. President, I often say Senators are merely constitutional impediments to their staffs. But we wouldn't be here if it were not for the staff who worked so very hard. We are privileged by the quality of the men and women who work with and for the U.S. Senate, on both sides of the aisle, and in so many of the other support positions that reflect neither party. So many times we debate these issues until late in the evening, agree on something, Members go home—staff stay until 3, 4, 5 o'clock, or all night long, to get it done.

Robin Cleveland, Senator MCCONNELL's chief of staff for foreign policy, has done a superb job. I am delighted to see her on the floor today. I appreciate the way she has worked so cooperatively with my own staff on this committee, and Will Smith and Billy Piper who have so ably assisted her.

On this side, I have Tim Rieser, who is my chief of staff for foreign policy matters. He has done an extraordinary job on the subcommittee and in working with Members on both sides of the aisle to try to achieve the compromises necessary. He has been ably assisted by Cara Thanassi, who is also a Vermonter, as is Tim. She, too, even though new to the subcommittee, has already shown an excellent grasp of the issues here and has proven very valuable. I also want to recognize Dick D'Amato, of the committee staff, and Jay Kimmitt, whom the chairman has already mentioned. Both gave invaluable advice and support.

FISCAL YEAR 1998 DEPARTMENT OF DEFENSE APPROPRIATIONS—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

Mr. SPECTER. Mr. President I would like to enter into a colloquy with Senate Appropriations Committee Chairman TED STEVENS concerning Federally Funded Research and Development Centers.

Is it the chairman's understanding that it was the intent of Congress to exempt Federally Funded Research and Development Centers [FFRDC's] from the provisions of section 8041 of the fiscal year 1998 Department of Defense Appropriations Act which reduce funding for advisory and assistant services by $300,000,000? This exemption is necessary because FFRDC funding is specifically reduced by $71,800,000 in section 8035 of the same act.

Mr. STEVENS. The Senator from Pennsylvania is correct. While the Department of Defense chooses to group selected FFRDC's in the category of advisory and assistance services, the Congress has for several years dealt with these issues separately. FFRDC's should be exempt from the reduction in contractor advisory and assistance services.

Mr. JEFFORDS. Mr. President, I compliment the Senior Senator from Vermont, Mr. LEAHY, and the Senator from Kentucky, Mr. MCCONNELL for the excellent job they have done in shepherding the Foreign Operations appropriations bill along it's difficult journey. While I would have written some sections differently, I believe that on balance this is a reasonable product of compromise that advances the primary goals of U.S. foreign policy.

I am, however, very disturbed to see that the compromise on U.N. funding that was contained in the State Department authorization bill has now been dropped. While I was not pleased with some aspects of the Helms-Biden compromise, at least it provided a way to start meeting our obligations to the United Nations.

I am disturbed, Mr. President, that greater thought has not been given by those who oppose this provision to the timing of this move. We are teetering on the brink of hostilities with Iraq over Saddam Hussein's refusal to allow entry to American members of the U.N. weapons inspection team. The United Nations has insisted that the integrity of its teams be respected and Saddam Hussein must not be allowed to pick and choose who he lets in. Last week, Secretary General Kofi Annan sent a three-member delegation to Iraq to impress upon Saddam Hussein the necessity of complying with United Nations requirements on access for inspectors. Unfortunately, they came away empty handed. But the United Nations Security Council continues to meet daily in an effort to counteract Iraq's intransigence.

I think most of my colleagues realize that this would be a very inappropriate time to suddenly be forced to go it on our own. We may decide at some point that unilateral action against Iraq is the most appropriate, but that should only come after careful consideration of all policy options available to us. And quite frankly, Mr. President, I believe that some of our best options involve working closely with our allies and our friends in the Arab world to present a united front to Saddam Hussein. With all its warts, the United Nations is still the best mechanism for consulting quickly with all the parties involved and negotiating possible courses of action. This is always a difficult task, but it would be made many times more difficult if we were not able to work through the United Nations. While nothing in the legislation before us today says we must pull out of the United Nations, the refusal of a small number of members to let a broadly agreed-upon package of reforms and arrearage payments move forward is a de-facto renunciation of the United Nations just as we are again turning to that body for assistance in keeping one of the world's worst scofflaws in line.

Getting other nations to join us in these efforts takes carrots and not just sticks. Our diplomats need to bring more to the table than the threat of military retaliation. That should be our last resort, and not before. If we are not willing to put our money where our mouth is at the United Nations, how can we expect Saddam to take our threats seriously?

I know that efforts are underway at this very moment to reverse this unfortunate decision by the House of Representatives. And I hope they succeed. Not just today, but increasingly in the future, we are going to need more tools of diplomacy at our disposal, not fewer. I urge my colleagues in the House to take this into account before it is too late.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I want to make a couple final observations. Seeing the occupant of the chair, the distinguished Senator from Wyoming, I thought I would mention his imprint on this bill. Senator ENZI had an important provision requiring a report from the administration on funding by all Federal agencies on the climate change program. He required its submission by October 31, which is obviously past. The conference included the provision requiring a report by November 15. I would say, for cold State Members, this is very important so we can begin to understand how extensive these programs are and what they are costing the taxpayers.

My thanks to the distinguished Senator from Wyoming, the occupant of the Chair, Senator ENZI, for his support and contribution to this bill as well.

Finally, let me say I understand Christian, the son of our staff director, Robin Cleveland, may be watching because he is sick today. Christian, I hope you get to feeling better. We are all sorry that you were inconvenienced by your mother's long hours during the course of the last few weeks.

Mr. President, I believe we are at a point now where this bill should move forward.

The PRESIDING OFFICER. Do the managers yield back the remaining time on the conference report?

Mr. LEAHY. Mr. President, is the Senator from Vermont correct in understanding when all time is yielded back it is, indeed, passed?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I yield back time on this side.

Mr. MCCONNELL. Mr. President, I yield whatever remaining time I may have.

The PRESIDING OFFICER. In light of yielding back the remaining time, under the previous order the conference report is agreed to and the motion to reconsider that vote is laid upon the table.

The conference report was agreed to.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that there now be a period for morning business until 2 p.m., with each Senator permitted to speak up to 10 minutes.

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

Mr. BURNS. Mr. President, I see my friend from New Mexico on the floor. I would like to make a brief statement and then yield the floor to him, if he doesn't mind.

REMARKS OF ASSISTANT SECRETARY SARA LISTER AND THE MARINE CORPS

Mr. BURNS. Mr. President, I rise today to express my grave disappointment in the statement that Sara Lister, the Army's Assistant Secretary for Manpower and Reserve Affairs, made in reference to the U.S. Marine Corps. We just finished Veterans Day, and November 10 is traditionally the Marine Corps' birthday. So I guess her sense of timing is unbelievable. But, basically, this is what the Assistant Secretary said: ''The Marines are extremists'' and ''wherever you have extremists, you've got some risks of total disconnection with society.''

For whatever I have done with my life personally, I attribute some of what I learned in the U.S. Marine Corps. I think the statement that she made is grossly unjust, and is an affront to every person who has ever worn the uniform of the U.S. Marine Corps, or to any person who has worn any uniform of the Armed Forces of this country, and those who have died for the very freedoms that we Americans, even Ms. Lister, enjoy today and every day.

Mr. President, back in 1955, we were taught that the code of the corps is honor, courage, and commitment—honor in the defense of freedom, courage in the face of adversity and commitment to the members of your unit but, more important, to those folks at home.

I am very proud to say that these principles have guided my life, and I hope that these would be the principles that our society could emulate, not values that should be considered ''disconnected'' with the norm. I am wondering who is really disconnected here.

The corps has always presented to its new members a challenge for higher standards and higher achievements. In its 222-year history, they are incomparable and, yes, they are the guiding light of all services and something of which every American can be proud.

I understand Ms. Lister has sent an apology to the Commandant of the Marine Corps, General Krulak. That might be enough for him, but it is not enough for me. She claims that she was quoted out of context. I don't accept that either. No one service should be placed over another. Nobody has a corner on bravery or valor or commitment to this country. But you must remember that it was these men and women who fought and died for the blessings of liberty for our Nation, and no one should forget that their words still reflect today.

So I am saying Secretary Lister should resign her post, because I personally think that she is unfit to serve in a leadership position in the military of this Nation. I am very sad about this day.

GALLATIN EXCHANGE

Mr. BURNS. Mr. President, we just introduced a placeholder in a bill on the Gallatin exchange to preserve that option. It expires December 31. It is a land exchange in the Gallatin National Forest. I support that land exchange. I did not want to get into an adjournment situation and let the time run out and not have a placeholder, because I am concerned about one area in particular, as is everybody. I heard the concerns of my constituents in the Bridger Bang Tail area of the Gallatin National Forest and in the Taylor Creek area. This area has to be kept in the condition that it is now because it is probably the most important migration area for wildlife we have from Yellowstone Park into Montana and out of Montana. This is a migration corridor that must be protected.

We have an obligation to complete this land exchange. It is a good land exchange. It is the right thing to do for that particular part of our country, and I will support it. Of course, the delegation from Montana will get together and work out the details. But I wanted to put that in there to make sure that our options are left open when Congress comes back into session, because I feel very strongly about this area, about the preservation of this area in the management of forests, especially in very fragile areas and in areas that are very, very important to the migration of wildlife, in particular elk and deer. We have introduced that placeholder for those reasons today.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes as if in morning business.

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

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that David Schindel, who is a fellow in my office, be granted the privilege of the floor for the remainder of this period of morning business.

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

ADVANCED TECHNOLOGY TO IMPROVE EDUCATION

Mr. BINGAMAN. Mr. President, as we prepare to complete this first session of the 105th Congress, I want to take a moment to look back at one of the great bipartisan accomplishments that we have made this year, and also to look forward to some important work that still lies ahead.

I am referring specifically to the work we have been able to do in putting advanced technology to work to improve education in the country.

Technology and better use of technology is critical in my home State of New Mexico. It is a big State. We have only a few concentrations of population and economic activity, and technology offers us a way to bring communities closer together and offers us a way to eliminate the gaps that separate the ''haves'' and the ''have-nots'' in our State and throughout the country.

In more than half of American households with incomes of over $50,000, the children have access to a computer at home. But in my State the average family earns about $26,000, and in that income range the estimate is that one in four children in those homes will have access to a computer.

We need to do better in the public sector, Mr. President, in providing technology in our schools so that we can use technology to narrow the gap between the haves and have-nots, rather than to allow that gap to increase.

In the past year, several magazines have published articles that have challenged the idea that technology in schools can really improve education. The Atlantic Monthly had a cover story called ''The Computer Delusion.'' There have been articles that consider computers in schools to be ''snake oil'' or ''the filmstrip of the 1990's,'' just to cite some of the phrases used.

Those articles are one reason I was interested in several recent reports that have reviewed the hundreds of research studies on the effects of educational technology on student achievement. The Educational Testing Service [ETS] did a report. Also, there has been a study commissioned by the Software Publishers Association [SPA]. The research results are uneven, but there are solid peer-reviewed studies that show significant improvement in

student performance and attitude in all age groups and all subject areas through better use of technology. Overall, technology-based instruction is 30 percent more effective in improving student achievement than instruction that does not include the use of technology. This is the equivalent of about 3 months of additional learning each year for our students.

The findings of these studies validate the Federal investment in education technology that we have made. I introduced the Technology for Education Act in 1994, and it became law later that year. But when it did become law, I don't believe any of us could have predicted the progress that could have been made in these 3 short years. Let me show you some charts, Mr. President, to indicate the progress that has been made.

This first chart, I think, makes the case very dramatically. It is a chart that demonstrates computer availability, that is, the students per computer, from the period 1983–84 through this just-completed school year, 1996–97. You can see the dramatic improvement that has occurred. In 1983–84, there were 92 students per computer in our public schools in this country. In this last school year, there were seven students per computer. That is significant progress. Computers have become much more available to students than they ever were before.

Let me show another chart that is an indicator of the progress that has been made. This is a chart that shows connections to the Internet. It shows how those connections have continued to increase rapidly: 65 percent of schools are now connected to the Internet. That is this green line on the chart. It indicates 65 percent are now connected. Only 14 percent of our classrooms are connected, but that number is also increasing rapidly. Real progress is being made there as well.

This past summer, the Federal Communications Commission approved plans to implement the universal services fund that will provide schools and libraries with $2.25 billion in communications discounts next year. Thanks to the leadership of Senators SNOWE, ROCKEFELLER, EXON, and KERREY, schools will have affordable access to the Internet over the coming years.

So looking at these very positive trends, one would think that students are using computers a lot more, but that is not really the case, Mr. President. Let me show you one more chart that indicates the concern I have.

This is a chart from a recent report by Education Week, a publication entitled ''Technology Counts.'' It shows that more than half of the eighth grade math students never or hardly ever use computers in their classrooms. Only 12 percent use computers almost every day. In my State, the numbers are even more startling. Two-thirds of the eighth grade math students indicate that they hardly ever use computers; 11 percent in my State indicate that they use computers almost every day. This chart is a graphic depiction of those statistics.

Another recent report by the CEO Forum, the Chief Executive Officers Forum, supports this same finding. Only 3 percent of schools have fully integrated technology into teaching.

This means that we're making progress in some places, but that some important barriers are stopping our progress in other schools.

This past weekend, the Congress passed the spending bill for the Department of Education, and I was privileged to be at the White House this morning when President Clinton signed that bill. It contains significant increases for programs authorized by the bill that I introduced back in 1994.

Let me show on this final chart that I have here this afternoon some of the increases that we have been able to accomplish in a bipartisan way this year.

In the technology literacy challenge fund—that is grant money that goes to States and school districts to support better use of technology—in fiscal year 1997, we appropriated $200 million. In the bill signed by the President today that number goes to $425 million. So it is more than twice the amount of funding.

In the technology innovation challenge grants the figure for 1997 was $57 million. The figure for 1998 is $76 million.

This year, for the very first time, we have funds earmarked to go specifically to train teachers to use technology more effectively. That is $30 million that was added in by the appropriators, and I think very wisely added. I think we have all begun to recognize that that is an item that needs additional attention.

This last item is crucially important. We need a balanced investment in technology. Balanced investment in educational technology means more than just buying the right hardware and software, it means investing in the training of the teachers and the administrators to use the software and the hardware.

Experts say that we should invest 30 percent of our technology budget in training. Nationally, we are investing less than 10 percent in training today. In my State, the estimate is that we are investing less than 5 percent of the funds that go into educational technology in the training of teachers to use that technology. Lack of teacher training will be the biggest barrier that we have to progress in this area.

This problem is described in a report entitled ''Technology and the New Professional Teacher: Preparing for the 21st Century Classroom.''

That is a report from the National Council for Accreditation of Teacher Education [NCATE]. They indicate that 2 million new teachers will be hired in the next decade.

Here is a quote from that report. It says:

> If teachers don't understand how to use technology effectively to promote student learning, the billions of dollars being invested in educational technology initiatives will be wasted.

Colleges of education clearly need to change the way they train new teachers. And if today's teacher candidates are taught with technology, then they will teach using technology themselves.

So that is why I introduced earlier in this Congress the Technology for Teachers Act and worked for the $30 million appropriation that I just referred to. Clearly, Senators HARKIN and MURRAY here in the Senate deserve great credit for their support and their advocacy on these issues as well.

The appropriation will provide competitive grants to States and will support growth and dissemination of the most effective programs for teacher training in the use of technology.

This $30 million, as I see it, is a downpayment on what will need to be a very long-term investment in tomorrow's teachers. And I intend to work for, at least, a doubling of that in next year's budget. I think that is clearly the direction we need to move in.

The Federal Government plays an important role in promoting the use of technology in education. But there are obviously other extremely important participants. The States and the school districts are developing challenging new standards. University researchers are discovering diverse ways that people learn.

The role of the teacher is changing. The teacher is no longer going to be just a lecturer but rather a learning coach to the students. The software industry is developing powerful new learning tools.

All of these efforts are pieces of a large and complex puzzle. Without a national strategy for coordination of these efforts, and without reliable data on what works, we will never get all of the puzzle's pieces to fit together.

I am interested in what I read in a recent report from the President's Committee of Advisors on Science and Technology [PCAST]. That report stressed the need for more research as we introduce more technology into our schools. We need to study which approaches in this area are most effective, and we need to determine the best investment mixture among hardware, software, training, and other categories.

As we come to the end of this Congress, I ask my colleagues to join me next year as we build on the progress that has been made here, the very substantial bipartisan progress. We need to take some new steps in promoting education technology. We need to continue our investment, of course, both in computers and in Internet connections. We need to increase substantially the investment in teacher training. And we need to promote new investments in research on the effective use of educational technology.

The Federal Government can play a crucial role by promoting greater coordination and collaboration among

the private sector and university researchers and educators and State and local governments.

There are several ways to accomplish this. We can do so through a federally funded research and development center, or a consortium of private firms, or a network of universities and schools and companies and agencies. The participants will have to make the final decision as to what mechanism works best.

The cost of this initiative, like the decisionmaking process, should not be the sole responsibility of the Federal Government. The costs should be shared by all the participants.

Mr. President, I am proud of the progress that we have made on providing educational technology so it can be used to upgrade education in our schools. And I am very encouraged by the data that shows the first beneficial impacts in our schools, but we have a great deal left to do. The President and many here in Congress deserve credit for the progress that has been made, but obviously their continued effort will be needed in the future.

The private sector, universities, and educational agencies need to work together to create a new culture of collaboration that will give teachers and their students the full benefit of these new technologies that are being developed.

Mr. President, on a personal note, I also want to particularly acknowledge the excellent work that David Schindel has done as a fellow in my office throughout the year on this issue of educational technology, as well as several other issues. His accomplishments have been extremely useful to me and I think to the Senate. I appreciate his good work.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ENZI. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. The Senator from Wyoming is recognized to speak for up to 10 minutes in morning business.

Mr. ENZI. Thank you, Mr. President.

THE STATE ENVIRONMENTAL AUDIT PROTECTION ACT

Mr. ENZI. Mr. President, I come to the floor—in the waning hours of this session—to express my continuing frustration with the way that the Environmental Protection Agency is handling Wyoming's environmental audit law. The troubles began last September, when the EPA delayed granting final approval of Wyoming's clean air permitting plan.

Earlier this year, I joined with the other Members of Wyoming's congressional delegation in sending a letter to Administrator Carol Browner at the EPA. We suggested that it was inappropriate to withhold delegation of Clean Air Act permitting authority because of the State's environmental audit law. Administrator Browner responded with an assurance that,

> EPA has not taken steps to withhold further delegations of Federal programs in Wyoming as a result of the State environmental audit law.

In September, the EPA announced that it had completed its review of Wyoming's audit law. It found that,

> The State won't need to make statutory changes to the self-audit law to retain primacy over Federal laws like the Clean Air Act.

The EPA went on to say that,

> The law shouldn't interfere with the Wyoming Department of Environmental Quality's efforts to gain primacy over several other Federal programs.

Mr. President, in spite of Ms. Browner's assurances, there has been a very real and ongoing manipulation of States that attempt to craft sensible audit laws. I trust that my colleagues from Colorado, Utah, Michigan, and Texas would be able to verify that activity. Their States have all been coerced by the EPA into changing their audit laws.

On October 29, I introduced the State Environmental Audit Protection Act, which is S. 1332. This bill would provide a safe harbor from EPA's coercive actions for States that adopt reasonable audit laws. The next day, the Senate Environment and Public Works Committee held a very good hearing on the issue. We listened to an excellent panel of witnesses on both sides of the issue. Both myself, and Senator HUTCHISON of Texas—who has also introduced legislation to resolve this problem—testified on the need for Federal legislation.

I was interested to read in the paper on October 30, the day after the hearing, that the EPA is now requiring Wyoming to change its law. The EPA has submitted legislation to a special session of the Wyoming legislature. On Monday, a joint committee in Cheyenne heard preliminary testimony on the revisions. The proposal would strike at least 50 percent of Wyoming's law regarding discovery of evidence in criminal proceedings.

A State environmental audit law is designed to help clean up the environment. In Wyoming, we created our State law to provide incentives for good faith efforts. We thoroughly debated this issue in the Wyoming State legislature. We consulted with the State Department of Environmental Quality and different stakeholder groups. We wanted to provide a mechanism that would encourage people to make an extra effort—an extra effort—to clean up the environment in their communities. We debated it in a Democratic forum and we passed a consensus bill. And we passed it by more than a two-thirds vote in each body.

Our State law allows an entity to hire an auditor to review their operations. The entity might be a town that is trying to examine its storm drainage system. It might be a hospital that wants to review its air emissions. It might be a college or school district whose vocational education department uses solvents. It might be a company that maintains a construction yard, or a garage. These are all entities that may be affecting their environment without even knowing the consequences of their operations.

Some of them are on regular inspection schedules, but the majority of them will never be inspected.

How many of those entities would know, with 100 percent certainty, that they are in full compliance with all applicable State and Federal laws? How many of them think they are in compliance? How many of them don't know? How many inspectors are out there randomly checking these facilities?

These are questions I cannot answer. In fact, I asked a similar question to the Environmental Protection Agency in Senator CHAFEE's committee hearing. There was a general notion of how many EPA inspectors were employed, but they did not know how many total inspectors are out there. Furthermore, they could not say what percentage of regulated entities were on an actual inspection schedule.

There is one simple question here that I can answer. That is, how many of those regulated entities would ask an EPA inspector to come around and take a look? How many of them would trust the EPA to offer friendly advice.

The answer to these questions, my friends, is zero. People don't trust the EPA any more than they trust the IRS.

The fact is, Mr. President, most of these entities are afraid of the EPA. Most of them are unaware that their operations could land them in Federal court. They are unfamiliar with the regulations and they are afraid to find out if they are in compliance. They are afraid because if they search for problems and find them, they may be fined and even sued. And if they are sued, their own review has given regulators a roadmap for prosecution.

No small business is going to spend money to hire an auditor to collect evidence for regulators to use against the small business. And I do not believe more heavy handed enforcement is the answer. We, as legislators, should be able to encourage entities to look for problems. We can designlegislation that protects good faith efforts, without sacrificing traditional enforcement. We can design legislation that promotes cooperation toward a cleaner environment.

The EPA and the Department of Justice rely heavily on enforcement as a deterrent. But in spite of Vice President GORE's reinventing Government proposals—and in spite of President Clinton's commitment to revinventing regulations—neither the EPA nor the

Department of Justice have supported any statutory compliance assistance programs. Their command and control methods remain firmly ensconced—not just in rhetoric, but in practice.

I agree that strong enforcement is necessary as a deterrent against environmental violations. I have never suggested that we should hamstring our regulators. We can, however, look at audit laws as a positive and reasonable way to supplement strong enforcement. When the goal is a cleaner, healthier environment, we should not be afraid to be innovative. We can do it in a reasonable and thoughtful way. We can agree not to penalize good behavior.

The EPA and the Department of Justice have shown a complete unwillingness, however, to cooperate. They have repeatedly argued against State and Federal audit laws. They maintain that such laws are unnecessary and dangerous. They describe numerous imaginative scenarios where laws could be abused. When asked for constructive suggestions, however, they choose instead to mischaracterize audit laws, implying that there is no middle ground. In the rhetorical attacks on audit laws, the EPA and Department of Justice always start by constructing their own premises—not those of the actual law—so the most frightful conclusions can be drawn to support their position.

I point this out because the term ''secrecy'' has been the most recurrent fallacy dragged across this debate. It was used to excess in the recent Environment and Public Works Committee hearing. The EPA maintains the danger of secrecy by suggesting that audit laws will shield evidence of wrongdoing and impede public access to information.

Nobody in this body has been talking about creating an audit law to allow secrecy or fraud. These are things the EPA argues against. They are things I have argued against. Under a well-crafted audit law, this kind of abuse can be easily avoided.

First, the EPA claims companies will conduct audits to hide evidence. I want to expose the holes in that argument. An audit report can only include information gathered during a specific time period and according to a defined audit procedure. Because privilege is not extended to cover fraud or criminal activity, it cannot reach back to cover prior malfeasance.

For example, in Wyoming, before a company conducts an audit pursuant to our State law, they must tell the regulators they plan to conduct an audit. Only information that is gathered after that date, and as a part of the audit, can fall under the audit protections. An audit report cannot include information that is otherwise required to be disclosed, such as emissions monitoring. It can only include information that is voluntarily disclosed.

How does the privilege work in practice? First, if nothing is discovered and nothing is disclosed, the report may not be privileged. If the company does find a deficiency during the audit, then it must report the problem and clean it up with due diligence. If these conditions are not met, then it cannot assert privilege to the information related to the deficiency. The privileged information is never secret because the deficiency must be disclosed.

Remember, the company must report the deficiency and clean it up to assert privilege. The public can view the disclosure form. They can know about the problem and they can make sure it is cleaned up. As long as these conditions for privilege are met, the report may not be admitted as evidence in a civil or administrative action. The end result of this is a cleaner environment—not secrecy—as the EPA suggests.

One only has to think logically to expose the flaws in EPA's arguments about secrecy. If a company says they are going to conduct an audit, then they must find violations, disclose them, and clean them up to get any benefit from the law. If they don't disclose anything, they gain no protections from an audit law. A company would not spend money to conduct an audit and then keep the violations secret. If they did so, they would face criminal liability for knowingly violating the law.

I ask my colleagues, if a company conducts an audit, discloses its violations, and cleans them up, what have we lost? Haven't we improved environmental quality? That is the goal of our environmental laws. That is the point of compliance assistance.

The EPA and Department of Justice maintain that audit laws run counter to our common interest in encouraging the kind of openness that builds trust between regulating agencies, the regulated community, and the public.

Mr. President, litigation does not build trust. Using voluntarily gathered information to prosecute good actors does not build trust. Enforcement depends on intimidation to act as a powerful deterrent. But it does not build trust.

Reasonable audit laws will promote cooperation between regulated entities and their regulators. We should ensure that people who act in good faith and who go the extra mile don't face stricter enforcement than those companies that do nothing. Audit laws do build trust.

Most importantly, they will result in a cleaner and healthier environment.

I look forward to working on this issue when the Senate reconvenes next year. It has been a broad bipartisan issue in the States and I know it can be a broad bipartisan solution here in the U.S. Senate.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I ask if it is appropriate that I be allowed to address the Senate in morning business?

The PRESIDING OFFICER. It is more than appropriate. The Senator from Connecticut is recognized to speak in morning business for up to 10 minutes.

BOSNIA AND IRAQ

Mr. LIEBERMAN. Mr. President, a short while ago, the Senate adopted the foreign operations bill. Last week, the Senate adopted the Department of Defense authorization bill. Previous to that, we adopted the Defense appropriations bill for the coming year—all of those aimed at keeping America both strong and involved in the world.

There is no small measure of common sense and reason for us to do that. Mr. President, all we have to do is follow the news of the day to see how much our own leadership in the world is depended upon by other people and how critical that leadership is to the peace and stability of the world. This is, apparently, the last day in which the people's forum, the Senate Chamber, will be open for public discussion, particularly in morning business, which is such an extraordinary and, I think, constructive forum for public debate.

I want to address my colleagues on two matters that may well be acted upon, or decided partially at least, in the time after we leave this first session of the 105th Congress and before we come back in January. Those are events abroad relating to, first, Bosnia and then to Iraq.

Mr. President, if I may speak briefly about the situation in Bosnia. As the record is clear here, acts of aggression were occurring, acts of genocide, slaughter, unseen in Europe since the end of the Second World War which, in this case, was being portrayed on our television screens every night, bringing understandable agitation and demands for action. Ultimately, particularly after the fall of Srebrenica and the slaughter that occurred there, the President led the NATO forces to decisive airstrikes, which led to the Dayton conference, which led to the Dayton peace accords and to the cessation of hostilities on the ground in Bosnia and the beginning of a civilian reconstruction of that war-torn country, based on the Dayton agreements, based on a goal of trying, over a period of time, to reconstruct a multiethnic country there in Bosnia, on the premise that partition into ethnic conclaves was inherently unstable because one group would inevitably strike another group. If one looks at this glass, there is still plenty of empty room in it. It is also a glass that, thanks to the

allied effort, an effort that encompasses in this case Russia as well, not only has the slaughtering stopped and have troops been disengaged, but there is substantial progress being made on the road to civilian reconstruction.

I have felt all along, Mr. President, that we made a mistake in setting deadlines for the presence of American personnel as part of, first, the IFOR and then the SFOR—Implementation Force and then the Stabilization Force—in Bosnia. I understand that the deadline was probably attached as a way to garner sufficient support for the American involvement. But, in my opinion, respectfully, it was a mistake. Better to have set out goals for our participation in Bosnia and when those goals were reached to withdraw, than to establish the expectation, both in this Chamber and more broadly among the public, that we were going to pull out by a date certain, only to have to come back and say, no, no, no, that is not what we meant, and then imposing another deadline.

It is clear from statements that are coming from the President, the Secretary of State, others in the administration of our country, and our allies in Europe, that there is a strong inclination to keep American troops on the ground in Bosnia as part of a follow-on force after the previously, and I think mistakenly, set deadline of June 30, 1998. I support that inclination. I hope it is a fact, because I think if we pull out now—we Americans—the Europeans will follow suit, and what is likely to take place at this stage is a slide back downward into the pit of separation and of conflict.

I do hope that, in extending our presence there, we are mindful of two factors. One is to not repeat the mistake of again setting an artificially explicit deadline. If we are going to stay there, let's try to define the goals most comfortably related to the Dayton process, the Dayton agreement, and see if we can express more generally what those goals are, and when we achieve them, be ready to pull out.

Some have said—and it may be a good beginning point—that we can and should leave, we should not be there for a long time, we certainly should not be there forever. We can and should leave when the Dayton peace process appears to be self-sustaining. That is not a bad goal. So I hope, one, we don't repeat the mistake of setting an artificial and misleading deadline.

Second, if we decide to keep American troops as part of the follow-on peacekeeping force in Bosnia as a way of guaranteeing that the conflict does not erupt there again, that we don't threaten stability in Europe, that we don't run the risk of a wider war throughout the Balkans and beyond. If we decide to keep American troops there, I hope we will leave it to the professional soldiers, to the Pentagon, to the Secretary of Defense, advised by our military on the ground in Bosnia, by the chiefs of the services involved here in the Pentagon, as to how many American troops we want to leave there. There has been some indication, some comment, that it would be a good idea to reduce the number of American personnel there as a way of showing that we continue to be on the way out. The fact is that we started out with almost 30,000; we are down to about 8,500 American personnel.

The point I want to make is this: The administration should not feel pressured, as a way to build more support here or among the American people for our continued presence in Bosnia, to reduce the number of American soldiers that are there, unless that is what the generals in charge and the Secretary of Defense advise and request. We are getting down to a relatively small number of Americans there. We have an obligation to each and every one of them to make sure that we keep a critical mass present on the ground so that, in case of trouble, in case of conflict, in case of the eruption of hostilities, we have enough people and resources there so that we can minimize the risk of any damage to our personnel.

This is an occasion like the next one I want to speak of, where, though there is disagreement here among Members of the Senate and the other body and the American people about whether or not and under what circumstances or not American personnel should remain in Bosnia, this Senator is convinced that if the President as Commander in Chief states the case, and particularly one which is strongly backed up, as to the number of American personnel there by our military, the majority of the Congress across party lines will support the President in that leadership.

Second, Mr. President, is the question of Iraq—once again, very much on our minds and, once again, threatening stability under Saddam Hussein in the Middle East, an area of vital interest to the United States, morally, militarily and economically. This is a crisis that is totally the work of one man—Saddam Hussein. An agreement made to end the gulf war, in which we were the dominant power, with our allies involved an agreement by Iraq to have international inspection teams constantly there to make sure that Saddam Hussein and his government were not concealing or constructing weapons of mass destruction—ballistic missiles—done not in a punitive way, but because the record makes clear who Saddam Hussein is and what he is prepared to do. In the time he has been the leader of Iraq—I believe I have this number right—he has carried out five invasions of neighboring countries. When he has had capacity to wage warfare with gas, a relatively rudimentary form of chemical warfare, he has done so. He has used gas against his own people in Iraq to suppress an uprising. He used it against the Iranians in the Iraq-Iran war during the 1980's. There is some evidence to believe that he would have armed his personnel in the gulf war with chemical weapons that might have been used against American personnel were it not for his fear that we might retaliate with nuclear weapons.

So we know the ambitions of this leader, we know his willingness, beyond the formal considerations of devastation to humans, to use every weapon in his control to achieve a wider hegemony over the Middle East and particularly over the oil resources there that we continue to depend on.

As I said before, this crisis is one that is totally of his making—by forbidding Americans from being part of this international inspection team, by threatening now to evict, to eject, to push out of Iraq that small number of Americans that are part of that inspection team. And while the threat posed at the current moment is not as visually frightening and destabilizing as the Iraqi invasion of Kuwait in 1990, its consequences, the consequences of U.N. inspections stopping and the Iraqis developing and broadening their capacity at special warfare, at warfare with weapons of mass destruction and the ballistic missile capacity to deliver them to distant targets, is every bit as consequential and profoundly disruptive of stability in the Middle East and profoundly threatening to the vital interests of the United States, and we have little choice but to respond.

The threat may be at least as fundamental and destabilizing as the Iraqi invasion of Kuwait in 1990. But the challenge to leadership internationally will be to marshal the same kind of international coalition against the possibility of Iraqi aggression that was marshaled in 1990 and 1991.

Part of the problem is that time has passed and people's taste for conflict is reduced. People in some sense have to be reminded of what is on the line. Part of the problem is that some of those nations that stood by our side and fought with us in the Gulf war may have short memories and be drawn more by economic interests in doing business with Iraq than a realistic appreciation of the consequences of allowing Saddam Hussein to develop chemical weapons of mass destruction and ballistic missiles to deliver them. It won't be easy for those in the alliance—the international alliance—who understand the seriousness of this threat from Iraq under Saddam Hussein to marshal as broad an international coalition to respond. But it is most certainly a worthy effort and in our national interest.

If we cannot by inspection guarantee that Saddam Hussein is not developing weapons of mass destruction and the ballistic missile capacity to deliver them against our troops on land and sea in the region to our allies in the Arab world and in Israel, then we must consider doing so by intervention—if not by inspection, then by intervention. Because history tells us—and it is fresh history—that whatever capacity

for war making Saddam Hussein develops and possesses, he will use. And that is why it is so critical to deny him that capacity.

The specific course that President Clinton and some of those of our allies who seem more likely to stand with us—such as the British, probably the Turkish, others, hopefully in the moderate nations of the Arab world—the specific course that President Clinton as Commander in Chief chooses to take is, of course, respectfully his judgment. But I hope in the fateful days that are ahead when this Congress is out of session and these decisions will probably have to be made that the President appreciates what I sense as I talk to colleagues here in the Senate, that there is a broad bipartisan understanding of the seriousness of the challenge that Saddam Hussein has cleverly and diabolically set before us; and that there will be broad bipartisan support for an effective response as determined by the President of the United States, hopefully in joint action with a large number of our allies.

So, Mr. President, this has been a long session—a session of extraordinary accomplishments, certainly on the balanced budget, and some disappointment, of course, as always is the case in other areas.

But, as we depart, we leave some immense decisions to be made by the President and the administration. And I hope that they will be made in the spirit that this Congress across party lines will support the Commander in Chief when he chooses to lead, and that across party lines we understand that partisanship, though it may occasionally rear its head too often perhaps here in Congress, certainly does end at the Nation's coasts when our security and our values are threatened throughout the world.

I thank the Chair. I thank my colleagues for their patience.

I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

EXTENSION OF MORNING BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that morning business be extended until 2:30 p.m. under the same terms as previously agreed to.

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

Mr. ALLARD. I yield the floor.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Thank you, Mr. President.

A PERSONAL MESSAGE TO SADDAM HUSSEIN

Mr. TORRICELLI. Mr. President, almost 10 years ago I had an opportunity in visiting Baghdad to meet with Saddam Hussein and members of his cabinet.

I went to Iraq because of a brutal and seemingly endless conflict between the armies of Iran and Iraq that were consuming hundreds of thousands of lives. Like many people in our Government, I was concerned about how this would impact the region, and whether, indeed, it threatened world peace. I left Baghdad with unmistakable impressions of Saddam Hussein who continued to influence my own judgment, and which I revisit now—that we are on the verge of yet another conflict with the army of Iraq.

President Hussein knew little of the Western World, and profoundly misunderstood the United States. Because we are a good and a decent people willing to engage in dialog, it was interpreted as a lack of resolve; a failure of will.

It was for these reasons when President Bush sent American forces to the Persian Gulf that I was proud as a Member of the House of Representatives to be the Democratic sponsor of the war resolution.

In the years since American men and women triumphed in the Persian Gulf war to uphold the will of the United Nations and serve the best traditions of our country, the Saddam Hussein that I met on that day has not only not changed; he remarkably seems to have learned very little.

His rape and pillage of Kuwait is now known to have included not simply combatants but thousands of innocent Kuwaiti citizens. Six years after his retreat from Kuwait he continues to hold 620 unaccounted for Kuwaiti civilians. Upon his retreat he torched the land with oil fires and sullied the water, creating the largest oilspill and oil fires in history.

In 1988, he employed mustard gas against his own people killing more than 5,000 Kurds.

The Saddam Hussein that America met in the Persian Gulf war was not an isolated departure from good judgment. It was part of a long record of brutality against his own people and his neighbors.

Today we are on the verge of yet another conflict with Saddam Hussein, because not only is there a long tradition of such irresponsible international behavior but because nothing seemingly has changed.

In 1992, he violated the terms of the gulf war cease-fire by moving antiaircraft missiles into northern and southern Iraq. The world responded. The coalition held. And more than 100 United States, British, and French planes fired on missile stations.

A year later—in 1993—still not having learned the price of his misjudgements, Saddam Hussein ordered an attempt on the life of former President George Bush. President Bush was visiting Kuwait. Not only was Saddam Hussein not humbled in the face of the victor; he planned an assassination leading to an American military response against his intelligence headquarters.

In 1994, he sent battalions of Iraqis 20 miles north of the Kuwaiti border. Again, the United States needed to respond and 40,000 troops were again sent to the Persian Gulf.

And, last year, despite a willingness by the United Nations to begin easing sanctions in order to ease the pain on the Iraqi people in a food for oil program that was instituted, Saddam Hussein responded by military attack against the Kurds in the town of Erbil needing a response with the oil for food program.

There are few comparisons in contemporary history of any leader in any government that has so routinely miscalculated at the disadvantage of his government and himself.

The Saddam Hussein that I met a decade ago may not have understood much about the world, or his place in it, the relative power of his country as opposed to potential adversaries, the use of technology, his measure of international will—his misunderstanding of the United States may have been legendary—but it is almost unbelievable that with these annual confrontations, this extraordinary record of miscalculations, that virtually nothing seems to have been learned.

What more is necessary to be understood about the resolve of the United States? This Government is clearly prepared to pay the price to maintain the peace in the Middle East. This country has a deep determination to deny Saddam Hussein every and all classes of weapons of mass destruction.

The United States will provide leadership for international response when necessary, but clearly is both capable and willing to act unilaterally if required.

What is it, Saddam Hussein, that you do not understand about the world resolve? And what is it about us that could still be unclear?

Last month, this long and extraordinary record of miscalculation added yet another chapter. Saddam Hussein barred access to U.N. weapons inspectors under the pretext that they included American citizens. He challenged the right of the United States to be a part of the inspection teams of the United Nations, and asked rhetorically by what right we would be present.

Saddam Hussein, it comes to mind that the United States has about 500,000 reasons why we have a right to participate and will demand full compliance—a reason for every man and woman that left family, friends and home to put their lives on the line in the Persian Gulf war to end your occupation of Kuwait. And those 500,000 reasons have not yet run their course. They will stand for a long time.

The record since the United Nations began the inspections to ensure compliance with its resolutions has not been without success.

Since 1991, U.N. inspectors have found and destroyed more illegal weapons in Iraq than were destroyed during

the entire Persian Gulf war. Surveillance cameras to monitor weapons activities were installed. This is a regime imposed by the United Nations of weapons inspection that has and can yield real results. But, as we now stand on the verge of yet another military confrontation, it is necessary to face the unmistakable and painful truth that there is no reason to believe that anything has changed in Baghdad.

This week, the Washington Times revealed that Saddam Hussein has been intending to buy five electronic warfare systems that would allow him to detect and destroy radar-evading aircraft.

The weapons markets of the world have routinely been contacted by Iraqi agents and representatives still seeking military technology.

This is important lest we fail to understand that the strategy of frustrating U.N. inspectors and noncompliance is not happening in a vacuum. It is part of an ongoing strategy to restore military capability.

The lessons of the Persian Gulf war and our experience through our sacrifices have yielded more than simply the destruction of these weapons. There is another great lesson that the Persian Gulf war has left the United States, the United Nations and the international community. It is, first, that the international community is capable of acting in concert for common purpose, but it is also that there is by definition a class of nations with leaders who are easily identifiable who are so irresponsible by their actions, who act in such contempt of international normal standards of conduct and international law that the international community will take it upon itself to deny them aspects of their own sovereignty.

Of all the things that Saddam Hussein failed to learn about us and our resolve and our capability or the international community's ability to act in concert it is the single lesson that is the foundation of the current crisis. Saddam Hussein will not be allowed to have weapons of mass destruction or wage war on his own people or regain great military capability because as a consequence of the Persian Gulf war and the invasion of Kuwait, the international community has decided to deny him that sovereign right of other nations to possess certain weapons and conduct their own affairs today, tomorrow and potentially forever.

It is not only a lesson of the Persian Gulf war; it is a gift of this generation to succeeding generations that something has been learned by the history of the 20th century. And the primary pupil of this lesson will be Saddam Hussein, in life or in death, today or tomorrow, one way or another.

I know every Member of this Senate, indeed, the entire U.S. Government, is in prayerful hope that military confrontation is avoided. In an age when military weapons hold such power and the destructive capability is so great, conflict must always be avoided when possible. That is our nature. It speaks well of our people that this is our resolve.

Saddam Hussein, with so many miscalculations, so many mistakes that caused so much harm for your people, do not miscalculate again.

There is in this Senate, I know, nothing but affection for the people of Iraq, an abiding hope that there will be a day when not only we can meet them again in friendship but the Members of this Senate may vote to send an ambassador of good intention and good will to Baghdad to normalize relations. Between this day and that is either the learning of a fundamental lesson by Saddam Hussein against all odds and all experience or that the people of Iraq take their future in their hands against extraordinary odds and regain responsible leadership.

I do not know, Mr. President, how this crisis will be resolved. Indeed, no one could predict. Only that somehow we be understood and that somehow the United Nations obtain the strength and resolve to see its judgments fulfilled. All the frustration of these years and all the sacrifice from the international community can still have real meaning if this lesson will be learned not simply by Saddam Hussein but by all the dictators, all the despots to come who would abuse their people and wage war. If we can stand together here, finally have the lesson learned, all this will have had real meaning.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Indiana.

EXTENSION OF MORNING BUSINESS

Mr. COATS. I ask unanimous consent that morning business be extended until 3 p.m. under the same terms as previously ordered.

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

Mr. COATS. Mr. President, I ask that I may speak in morning business for up to 10 minutes.

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

REMARKS OF SARA LISTER

Mr. COATS. Mr. President, on Tuesday of this week, our Nation celebrated Veterans Day. I had the pleasure of returning to Indiana and talking to some of our veterans and speaking to an important group about the meaning of Veterans Day and the contributions veterans have made to our country and their sacrifices. We honor Americans on that day, both men and women, who served in both peace and war, as watchmen and women on the wall of freedom. We honor them by remembering their heroism, passing stories of their character and courage from generation to generation.

It is disappointing and extremely unfortunate that in this very same week the Assistant Secretary of the Army, Ms. Sara Lister, made some remarks to a group to whom she was speaking at Harvard, referring to members of the U.S. Marine Corps as ''extremists.'' I quote her. She says the Marines are ''extremists. Wherever you have extremists, you've got some risks of total disconnection with society. And that's a little dangerous.''

Now, subsequently, Ms. Lister has penned a letter of apology to the Commandant of the Marine Corps, General Krulak, in which she says it's unfortunate that my remarks were taken out of context. It's unfortunate that they were misinterpreted.

Now, all of us in the business of politics have had occasion to pick up the paper in the morning and seen our remarks taken out of context and be misinterpreted. So I appreciate that this sort of thing often takes place. I truly hope that in this case these remarks were taken out of context and that they were misinterpreted. I am concerned that they were not. I have asked for a tape or transcript of the presentation by Ms. Lister at the Harvard group so that I can understand the context. It is not really understandable or discernible at this particular point.

I am disturbed that one of our top civilian appointees at the Pentagon could make such a statement. It is hard for me to construct any context in which the use of the word ''extremism,'' and the phrase a ''total disconnection between our society'' and the U.S. Marine Corps is appropriate. I don't understand in what context that could be presented that would explain the use of those remarks and the statement that this is a ''dangerous'' situation.

And so I rise today to raise serious questions about the continued leadership of Ms. Lister as Assistant Secretary of the Army. By her remarks, she has offended not only the 174,000 active duty members of the Marine Corps but the 2.1 million Marine Corps veterans and, frankly, all Americans.

The Marine Corps teaches truths and convictions which are becoming more rare in today's society, and it is the continuity of these values in the Marine Corps which has produced men and women of character and honor who are ready and willing to sacrifice their lives in defense of their country.

I would commend to Ms. Lister a piece which appeared in the Sunday Parade magazine, probably in most Sunday papers across our country. It featured a very insightful story of recruits in the Marine Corps and what we can learn from the Marine Corps. The article correctly shows that the Marine Corps teaches and trains young people important values.

If these values are extremism, then I suggest that is what we need more of in this country. Let me just quote a few things from the article.

> In a society that seems to have trouble transmitting healthy values, the Marines stand out as a successful institution that unabashedly teaches those values . . .

For the first time in their lives, many encountered absolute standards; tell the truth. Don't give up. Don't whine. Look out for the group before you look out for yourself. Always do your best . . . Judge others by their actions, not their words or their race. . . Don't pursue happiness; pursue excellence. Make a habit of that, and you can have a fulfilling life.

The recruits learned that money isn't the measure of a man; that a person's real wealth is in his character.

The recruits generally seemed to find race relations less of an issue at boot camp than in the neighborhoods they'd left behind.

The author of the article goes on to say:

If America were more like the Marines, argued a recruit from New Jersey, there would be less crime, less racial tension among people, because Marine Corps discipline is all about brotherhood.

With their emphasis on honor, courage and commitment, they offer a powerful alternative to the loneliness and distrust that seem so widespread, especially among our youth.

Well, Mr. President, if those values are a disconnect from American society, then it is not the Marine Corps that is in deep trouble. It is American society that is in deep trouble. These are the values to which we should be aspiring. I think under the leadership of General Krulak—and the tradition and the history of the Marines—the Marine Corps has demonstrated a continuing commitment to values to which we should all aspire.

General Krulak responded to Ms. Lister's remarks—I will just briefly quote that—by saying that ''honor, courage and commitment are not extreme.''

Mr. President, as I said, I hope that these comments were taken out of context. I hope that they were misinterpreted. Again, I cannot conceive of a context in which they would be considered as appropriate. The use of the term ''extremists'', the statement that the Marine Corps is disconnected from American society reflects, unfortunately, an attitude and a belief about the Marine Corps and perhaps about others in uniform that is inappropriate for an Assistant Secretary of Defense.

I note that Ms. Lister earlier had announced that at some point she was going to retire from her position. Perhaps it wouldn't be too early for her to think about accelerating that retirement so that the position could be turned over to someone who is able to present his thoughts in a better context, in a way that will not be misinterpreted. Perhaps then we will not have this difficult explanation of why one of our most honorable branches of military service has been labeled in such a way.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

RECOGNITION OF THE 20TH ANNIVERSARY OF THE GREAT ALASKA SHOOTOUT

Mr. STEVENS. Mr. President, the day before Thanksgiving the University of Alaska's Athletic Department marks a milestone—the 20th anniversary of the Great Alaska Shootout.

The shootout is a basketball tournament that began as an impossible dream of Bob Rachal, a coach who wanted to put his fledgling University of Alaska Anchorage basketball team on the map.

Now, the shootout continues under Charlie Bruns and Tim Dillon, athletic director and has become an annual Thanksgiving tradition for Alaskans and basketball fans across our Nation.

In the 20 years since the shootout began, our Nation's greatest college teams have traveled to Alaska over the Thanksgiving break to vie for the tournament trophy.

Twenty former NCAA champions have taken part in the shootout over the two decades; last year marked the fifth time the defending national champion has participated in the shootout.

The first game, 20 years ago, was played in a drafty field house on Fort Richardson, a military post in Anchorage, to about 2,500 fans.

Now, the shootout fills our state-of-the-art Sullivan Sports Arena in Anchorage, and is televised live nationwide via ESPN. Sportswriters from the wire services, newspapers and magazines regularly travel to Anchorage to cover the shootout.

Because the teams that participate are the best, the games are invariably closely contested; 60 of the previous 228 games have been won by margins of five points or less. Six have been settled in overtime; four in double overtime, and one in triple overtime.

It isn't only the games that are important in the shootout, it is the opportunity players, coaches, and the families of the players and coaches, have to experience the greatness of Alaska and Alaskans, and the opportunity Alaskans have to meet these young athletes, their coaches, and their families from across our Nation.

Volunteers open their homes to shootout participants and support the players and the guests in countless other ways, including transportation, entertainment and other special events. Our largest Alaska grocery chain, Carr's, provides important corporate support.

The National Collegiate Athletic Association recognizes the special place this tournament holds by its votes over the years to allow the tournament a special place in American collegiate sports.

The teams represent the finest programs in NCAA basketball history, and the University of Alaska Anchorage has gained a reputation for hosting one of the best tournaments in college basketball.

The players and coaches and all who work to make the shootout a success bring credit to the University of Alaska, to Anchorage and to Alaska. Mr. President, I commend Chancellor Lea Gorsuch and the University of Alaska as it observes the 20th anniversary of a very special sports event. I know Dr. Lee Piccard, the former vice chancellor, who has seen every shootout game during all 20 years will enjoy it again.

A. MICHAEL ARNOLD, M.A. CANTAB., M.A. OXON, F. INST. D., F. INST. P.

Mr. STEVENS. Mr. President, I want to recognize the assistance I have received over the years from a longtime friend, A. Michael Arnold, whose intellectual capacity and international insights have proven to be of significant value to me and others. I have often passed on Mick Arnold's comments to many Members of Congress including our leaders. Since the early eighties, Mick and I have corresponded regularly, and occasionally have had the opportunity to meet either here or in Britain. He is a resident of Great Britain. We are both blessed with wonderful wives. Mick's wife Wendy is a respected author in her own right. My wife, Catherine, and Wendy share in our friendship.

These insights in Mr. Arnold's correspondence have run the gamut from the 1980's arms buildup in South America, to the current conflict in Bosnia with its implications for world peace, the internal convulsions in Russia, the tensions between Israel and the Arab world, the threats from Iran and Iraq, and to the reason d'etre of the United Nations. Mick's observations have been provocative, accurate, and full of sage advice. He has not sought recognition for his efforts. He told me that knowing that his observations may help to bring clarity to a confused world scene was sufficient to him.

I recall several specific instances of Mick's perceptiveness in international affairs. Mick's assessments in 1983 and 1984 of the political scene in the Soviet Union: He anticipated that Chernenko would stabilize his power base and advance Gorbachev as one of his key deputies. By early 1984 Chernenko had made Gorbachev his No. 2. Noting Chernenko's precarious health, Mick then anticipated that Gorbachev would succeed Chernenko. History records the accuracy of that assessment. That advice was very helpful to those of us who were working on Soviet affairs in the 1980's.

In 1991 Mick expressed anguish over the potential for a conflagration in Yugoslavia * * * one that could envelope Bosnia-Herzegovina. Once again Mick's international instincts proved accurate. Many times that he shared his worries in papers I then passed on to others, those fears were realized in what did take place in Bosnia.

In April of this year, Mick commented on the upcoming Presidential elections in Iran and observed that Mohammed Khatemi would, if elected, be

more open to foreign relations. History has yet to validate the accuracy of Mick's assessment of Khatemi's but many are hopeful he is correct.

He continues to be one who observes the world scene from his background being a Don at Oxford.

The world would be a far better place if there were more people with the intellectual capacity, compassion, and common sense of Mick Arnold, ones who would pass on their opinions without any publicity, without seeking any remuneration for their work—just to be a friend. It's from the point of view of friendship.

I look forward to continuing this friendship and value Mick's informed observations on the international scene. I come today because my friend has told me he is going to reduce the frequency of his comments. He is not totally retiring, but he's going to limit the scope of his activities. But I wanted the Senate to know that, whether many are aware of it, the U.S. Senate has benefited from his counsel and his insights. I have benefited greatly from his friendship.

My wife and I wish Wendy and Mick many more years of success, and I continue to value his advice.

I yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Maine.

EXTENSION OF MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m., under the same terms as previously agreed to.

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

THE CENTENNIAL OF SENATOR MARGARET CHASE SMITH'S BIRTH

Ms. COLLINS. Mr. President, I rise to say a few words in honor of one of our Nation's most legendary Senators and one of Maine's most beloved public figures: Senator Margaret Chase Smith.

December 14 marks the 100th anniversary of Senator Smith's birth. Since we will not be in session on the 14th, I would like to take the opportunity to speak in honor of her centennial today.

Margaret Chase Smith has the distinction of being the first woman elected in her own right to both the House of Representatives and the U.S. Senate. She served in the Senate from 1949 to 1972—the entire time that I was growing up in Maine. Throughout her tenure in Congress, she served as a great source of pride and inspiration for countless people throughout Maine and the Nation.

Mr. President, I am one of those fortunate people whose life was touched personally by Senator Margaret Chase Smith. So it is with a great deal of gratitude and admiration that I speak about her legacy today in celebration of her centennial.

Mr. President, when I was just 18 years old, a high school senior from Caribou, ME, Senator Margaret Chase Smith encouraged me to pursue a career in public service. Now I serve in the U.S. Senate, holding her very seat. Her example of moderation, independence and integrity continues to guide me every day as I seek to represent the people of Maine.

Walking through the Halls of the Senate, I am frequently reminded of my first significant encounter with Senator Smith.

In January 1971, I left my hometown of Caribou, ME, to spend a week here in Washington, DC. I was one of 100 high school students from around the Nation participating in the U.S. Senate Youth Program. The program consisted of VIP tours of Washington, formal dinners, and numerous high-profile speakers ranging from Supreme Court Justices to top White House officials. The highlight of my week, however, was the afternoon that we visited our respective Senators.

When I arrived at Senator Smith's office, I was immediately ushered into her personal suite. Her office was bustling with activity, and yet it had a stately and serene quality. Senator Smith looked perfectly at home in the setting as the only woman in the Senate. Her green office suited her well and, of course, reminded me of the State of Maine. She shook my hand and invited me to sit down, and seemed genuinely interested in what I had to say.

Much to my amazement, Mr. President, instead of just quickly posing with me for a picture, Senator Smith spent nearly 2 hours talking to me about her years in Congress. She stressed the importance of public service and the difference that one person could make. We talked about her opposition to McCarthyism and the necessity of standing tall for one's principles no matter what the cost.

As I was leaving, she handed me a copy of her famous ''Declaration of Conscience'' speech to take with me. I was struck by her presence and I knew that she was a woman of enormous strength and integrity. I was so proud that she was my Senator.

As I bid her farewell, I could not keep the smile from stretching across my face nor the dreams from racing through my mind. To me, Senator Smith was living proof that women, even those of us from small rural towns in Maine, could accomplish anything upon which we set our sights.

I have since learned that my early impressions of Senator Smith are shared by thousands of others throughout our State and throughout the Nation whose lives she touched. But we in Maine are particularly fortunate to have had her as a role model and as our Senator.

As one Congresswoman recently said to me, ''You know, it was much harder for women to get elected in my State because we didn't have Margaret Chase Smith.''

Senator Smith's 32 years of leadership epitomized the type of thoughtful, independent representation that sets a standard for public service.

As I campaigned throughout Maine for the Senate last year, it was apparent to me that the name ''Margaret Chase Smith'' strikes a resounding chord with the citizens of my State. From Kittery to Calais to Fort Kent, people recognize and honor her name and her legacy as synonymous with thoughtful, independent, and honest representation. This above all else, Mr. President, is the legacy of Senator Smith and the tradition which those of us who are honored to follow in her footsteps strive to uphold.

While Senator Smith served as an inspiration to me as a young girl and as a beacon of strength during my two statewide campaigns, it was not until I began my service in the Senate that I fully understood her legacy and the extraordinary courage she exhibited throughout her years in Congress.

Margaret Chase Smith is perhaps best remembered for her principled and unabashed stance against Senator Joe McCarthy. Because the courageous stand that she took against McCarthyism is so familiar to all of us today—it seems to be so obviously the right thing to do—we sometimes forget and underestimate the risks that she took and the hardships she endured in this fight. From my new perspective as a U.S. Senator, I must say that the courage that Senator Smith showed during the McCarthy era is truly remarkable.

Over the course of the past several months, I have had many occasions to reflect upon another of Senator Smith's principled positions.

As a member of the Governmental Affairs Committee, I have been involved in investigating the fundraising abuses of the 1996 Presidential election campaigns. These hearings have examined some of the most deplorable and certainly most excessive fundraising practices in our Nation's history, such as operating the Lincoln Bedroom like a hotel, phony issue ads, fundraising coffees in the Oval Office and soft money contributions of staggering sums and questionable origins.

In the 24 years since Senator Smith left office, fundraising has become an all-consuming and self-propelling institution. It is difficult for those of us who are in office today to remember that Senator Smith waged so many successful political campaigns without soliciting a single contribution. How we envy her. She believed that big money had the potential to be a corrupting influence in the system, and she has certainly been proven right.

Throughout this past year—my first in the Senate—I have been reminded of one of Senator Margaret Chase Smith's most famous statements time and again. She once said that there is a ''difference between the principle of

compromise and the compromise of principle.'' This sentiment has guided me through many tough negotiations and heated debates where it is sometimes difficult to know when it is best to be stalwart for the sake of principle and when it is time to seek common ground in the name of action.

Compromising one's principles is wrong; but the principle of compromise, on the other hand, is the essence of a healthy democracy. Senator Smith's wisdom has helped me many times in reaching decisions on thorny issues.

Mr. President, 25 years after my first encounter with Senator Smith, I fulfilled the dream that she fostered in me back in 1971, and was elected to her seat in the U.S. Senate. Just as Senator Smith was the first woman elected in her own right to both the House of Representatives and the Senate, upon my election, Maine became the first State in the Nation to be represented and to elect two Republican women Senators.

This distinction is a fitting tribute and testament to the legacy of Margaret Chase Smith. If not for her 32 years of congressional service, many doors to and within the Capitol might still be closed to women today.

In all of history, Mr. President, there have only been 15 women elected to the U.S. Senate in their own right, and 3 of us have been from the great State of Maine.

Thanks to Senator Smith's decades of selfless service, principled leadership and pioneering efforts, the people of Maine know that leadership is not about gender; it is about decency and tenacity and service and integrity. Margaret Chase Smith embodied all of these traits, and so much more.

Today, I honor her for paving the way for me, and countless others, and for establishing the thoughtful and independent approach to public service that Mainers have come to expect from their elected officials.

I thank the Chair. And I also thank the Chair for presiding for me so that I could pay tribute on the 100th anniversary of the great Senator from Maine, Margaret Chase Smith.

I yield the floor.

The PRESIDING OFFICER. The Presiding Officer in his capacity as a Senator from the State of Wyoming suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SPECTER. I compliment the distinguished Senator from Maine, Senator COLLINS, for those very erudite and profound remarks. The U.S. Senate is graced by two women Senators, Senator OLYMPIA SNOWE and Senator SUSAN COLLINS. I know that Senator Margaret Chase Smith is a role model for them as she is a role model for so many in America—men as well as women.

It is with some frequency I quote her famous dictum, to distinguish between the principle of compromise and the compromise of principle.

I think with the qualities of Senator COLLINS and Senator SNOWE, they would be in the U.S. Senate even without Senator Margaret Chase Smith blazing the trail for them in Maine, but it didn't do them any harm.

That was an extraordinary statement. I have had the good fortune to work with both Senator COLLINS and Senator SNOWE on a little Wednesday lunch group and on the Governmental Affairs Committee. Senator COLLINS has done outstanding work on the Governmental Affairs Committee and I think there is more coming.

NOMINATION OF JUDGE MASSIAH-JACKSON

Mr. SPECTER. I have sought recognition today to comment about the pending judicial nomination of Judge Frederica A. Massiah-Jackson who has been nominated for the U.S. District Court for the Eastern District of Pennsylvania. Judge Massiah-Jackson currently serves on the court of common pleas of Philadelphia County where she has been a State court judge for the past 14 years. I believe Judge Massiah-Jackson should be confirmed, and regrettably that will not happen today, which is the last day of the session, because two of our colleagues have insisted on rollcall votes, and one colleague insisted on an opportunity to debate the nomination beyond a rollcall vote.

It appears virtually certain, if not certain, that there will be no rollcall votes today, our last day in session, because our distinguished majority leader, Senator LOTT, had announced that he would not have rollcall votes unless he gave Senators who are widely dispersed at this time an opportunity to come back, and therefore the business of the Senate is going to be completed by voice votes.

I do not question the judgment of my colleagues to ask for rollcall votes, although customarily we do not have rollcall votes on district court nominees. Perhaps it would be sufficient for individual Senators to note their objection for the record. These two Senators have already noted their opposition to Judge Massiah-Jackson on the rollcall vote in the Judiciary Committee where she was recommended for nomination by a 12 to 6 vote.

Judge Massiah-Jackson had substantial Republican support in the committee and she has the support of my distinguished colleague, Senator SANTORUM, as well as myself, the two home State senators. It is the practice for the caucus to rely upon home State senators on matters involving U.S. district court judges.

Judge Massiah-Jackson has been questioned on two intemperate remarks which she made, one which she thought was under her breath, and has acknowledged her error, and I think it fair to say that if two intemperate remarks were disqualifiers or a disqualifier from being a Federal judge or a U.S. Senator, for most positions, perhaps all positions of responsibility, nobody would hold any job of responsibility because intemperate remarks escape all of us from time to time. She has apologized. The Senator who presided at her hearing noted with some acknowledgment the sufficiency of that particular apology.

Judge Massiah-Jackson has been questioned about sentencing. She has tried more than 4,000 criminal cases. There were 95 appeals taken and she was reversed in some 14 cases, which is a pretty good record. Her rating on the standard for judges on compliance with the sentencing guidelines is well within the norm of her contemporaries. She had a rating in the 72- to 82-percent compliance at a time when the compliance of other common pleas judges was in the 70- to 86-percent range.

She had questioned, from time to time, certain police officers. I was district attorney of Philadelphia for 8 years following being an assistant D.A. for some 4 years, and while I was district attorney I ran tough investigating grand juries where there was evidence of narcotics violations, narcotics corruption within the police department. There have recently been a spate of many reversals and Federal investigations by the U.S. Attorney for the Eastern District of Pennsylvania. So it is not unusual to have questions about police conduct following on the old statement that there are some bad apples in the barrel.

I think in totality, Judge Massiah-Jackson's record is a very good one. I am disappointed she will not be confirmed because we have just had the swearing in of circuit Judge Midge Rendell, and we are now planning the swearing in of Judge A. Richard Caputo in Wilkes-Barre and former State court Judge Bruce Kaufman in the Eastern District.

I am sorry Judge Massiah-Jackson will not be sworn in before the end of the year to take on the very substantial duties of helping the backlog in the Eastern District. I do thank my distinguished and majority leader, Senator LOTT, for agreeing to list Judge Massiah-Jackson on the second day when we return. We are due to come in on January the 27. That is expected to be the night of the State of the Union speech, and Senator LOTT has told me that he will schedule Judge Massiah-Jackson for floor debate and a vote on the day we return. It may be that there will be two other judges in a similar position, so I thank Senator LOTT for his assistance there, and I thank him, also, for aiding me in the determination of Senators on our side of the aisle who have so-called holds.

ABOLISH SECRET HOLDS

Mr. SPECTER. I compliment our colleagues, Senator GRASSLEY and Senator WYDEN, for their initiative in moving to end the practice of a hold. For those watching, if anyone, on C-SPAN2 at the moment, a hold is a Senate procedure which is secret, where the Senator says that matter may not move without notifying me. The final days of the session are sufficient to stop any action on an individual by a statement that there be insistence on debate, where there is no time for votes, or when we are not having them, as we have not had any for the past several days.

I intend to join Senator GRASSLEY and our Republican caucus to try to end this pernicious practice. It simply ought not to prevail in an open society and in an open setting.

If someone has an objection to some individual or to some bill, I think it only right that the individual stand up and state the objection. I do thank my colleagues who had objected to Judge Massiah-Jackson for being forthright in discussing the matter with me, and I understand an honest difference of opinion. I respect that difference of opinion. I don't agree with it, but I do respect it, so long as you have an opportunity to discuss the matter, to find out what is happening and we can try to do something about it.

CONGRATULATIONS ON SESSION CONCLUSION

Mr. SPECTER. This is the end of our first session of the 105th Congress, and I congratulate our colleagues both in the House and the Senate on doing the country's business and being out by Thanksgiving. I think that is an accomplishment.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Madam President.

MARGARET CHASE SMITH

Mr. ENZI. I appreciated the comments earlier of the Presiding Officer. I learned a great deal from listening to the Senator talk of the people that have gone before her. Of course, that reminds me of people that have gone before me from my State and all of those who have gone before us in this great body. We not only think about those who have gone before, we think about those people who are here now, those people who are at home in our respective States at the moment, and those people who are relying on our judgment in this Chamber today to preserve the right for them to be here or in Maine or in Wyoming in the future.

NOMINATION OF ANN AIKEN TO BE FEDERAL DISTRICT COURT JUDGE, DISTRICT OF OREGON

Mr. ENZI. Madam President, today I rise to oppose a nomination. I want to tell you, I have a hold on a nomination. It is not a secret hold. Those that are interested in the nomination know I have the hold on it. I would not do that in secret. The purpose is not for secrecy. The purpose is to get an action that will show on the record, that will be reflected by this body for years to come. That is what we were sent here for.

Judge Ann Aiken has been nominated by the President of the United States to be a District Court Judge for the District of Oregon. I have asked for a rollcall vote because I want to be on record as opposing this nominee. I don't question Judge Aiken's experience or academic qualifications to sit on the Federal bench. I do have serious concerns about her judicial philosophy as she has applied it in State court in Oregon. One particularly tragic case perhaps best illustrates concern. It is the case of State versus Ronny Lee Dye, a 26-year-old man who was convicted of first-degree rape of a 5-year-old girl. Instead of sentencing this convicted rapist to State prison, Judge Aiken sentenced him to only 90 days in jail and 5 years' probation, plus a $2,000 fine. According to local papers, Judge Aiken did not want to sentence Dye to state prison because the prison did not have a sex offender rehabilitation program.

How do you think the parents of that girl felt? Moreover, she believed that the probation following the jail term provided a stricter supervision than the parole that would have followed the prison sentence.

Less than a year after the conviction for rape, Dye violated his parole by driving under the influence of alcohol and having contact with minor children without permission of his probation officer. I believe that Judge Aiken's handling of this case and others illustrates an inclination toward an unjustified leniency for convicted criminals.

I do not pretend to be able to predict with any degree of accuracy how the nominee or any other will rule while on the Federal bench in exercising our solemn constitutional duty to advise and consent on the President's nominations for Federal courts, what this body stands for, we have only the past action, statements and writings to guide our deliberations. Moreover, since Federal judges have life tenure—life tenure—and salary protection while in office we have but one opportunity to voice our concerns in disapproval of a judge's record.

I, for one, cannot vote to confirm a nominee to the Federal court who I believe is inclined to substitute his or her personal policy preferences for those of the U.S. Congress and the various State legislatures. I have strong concerns about this judge. If confirmed, would she be inclined to this type of judicial activism? For this reason, I will cast my vote against the confirmation of Judge Aiken and insist on a rollcall vote so that it will be recorded.

That may result in a delay in that court, but I think it is an important delay. I don't think I'm the only one opposing this, and I will insist on the rollcall vote.

I yield the floor.

Mr. NICKLES. First, I wish to congratulate my colleague, Senator ENZI, from Wyoming, for that statement. I wish more Senators would spend more time doing their homework on Federal judges. I think it is obvious in this case he has done a lot of homework on the judge. We should all do more, and he is certainly entitled to express that sentiment on the floor and he is entitled to a rollcall vote. I will certainly support him in that effort.

ROAD AHEAD ON GLOBAL TOBACCO DEAL

Mr. NICKLES. Madam President, as we move toward adjournment in the first session of the 105th Congress, I want to take a couple of minutes to look ahead at one of the real big challenges that we have next year. That issue is tobacco and the so-called global tobacco deal that was agreed to earlier this year between the tobacco industry, States attorneys general, and health advocates.

Madam President, we have seen a significant sea change in our culture's attitudes toward smoking in the last 30 years. The proportion of adult smokers peaked at 43 percent in 1966 and has dropped dramatically since then to about 25 percent today. According to the Federal Trade Commission, demand for cigarettes is forecast to continue to decline about 0.6 percent a year for the foreseeable future.

However, as adult use has declined, concern has grown about the number of underage smokers who every day try their first cigarette. Madam President, 4.5 million kids ages 12 to17 are current smokers, according to the Department of Health and Human Services; 29 percent of males age 12 to 21, and 26 percent of females in the same age group currently smoke, according to reports of the National Center for Health Statistics. In 1994, the Surgeon General's report found that 9 out of 10 Americans who currently smoke say they began smoking as teenagers. Many Americans share a common goal to reduce teen smoking dramatically to break the cycle of smoking as we enter into the 21st century. Members of Congress, Republican and Democrat, too, would like to see our children smoke free and families free from fear of smoke-related cancers and disease.

The agreement between the tobacco industry and States attorneys general was motivated by good intentions, but it resulted in a deal that is very complicated. In the Senate, several committees have held numerous hearings

trying to elicit more information and understanding of the agreement.

Since the Clinton administration was intimately involved in crafting the June 20 deal, we were hopeful that the President would come forward with specific recommendations and legislation to describe how the deal would work.

Unfortunately, the President ducked a historic opportunity for leadership. Rather than following the regular order of submitting legislation, he sent us five vague principles. His inaction set back the work of the Congress considerably.

I remain hopeful that the President and his administration will tell us specifically what he wants in legislation. For now, though, the Congress has to do the heavy lifting. We have to make our own decisions about how the various elements of the deal should be put together.

Through the summer and fall, I met several times with Senate committee chairmen who have jurisdiction over the major elements of the deal. They include the Committees of Agriculture, Commerce, Finance, Labor, Judiciary, Environment and Public Works, as well as Indian Affairs.

I have requested that, when we reconvene next year, they begin work and try to find out what the majority in their committees, Republicans and Democrats, believe are important elements of a comprehensive plan targeted on reducing teenage smoking. I have asked them to conclude their work by March 16, 1998, and they have agreed to meet that timetable.

As they do their work, I am asking them to answer, to their satisfaction and to the satisfaction of the public, 10 important questions, which I will have printed in the RECORD at the end of my remarks. These questions deal with the whole parameter of the proposed resolution. For example: What works best to reduce teen smoking? We have Government programs and we have private programs. What really works? What is the best method of reducing teen smoking?

Should we increase the price of tobacco? President Clinton mentioned he thought we should increase the price a dollar and a half. Should that be done in the form of taxes or in the form of price increases? If it is done in the form of price increases, do we need to give exemptions for that to happen? Do we need to make sure tobacco companies would not make more money than that would allow? Are they going to be able to make excess profits from the price increase? Do we increase the price by increasing tobacco taxes? Should the States have the allowance to be able to increase tobacco taxes, in addition to whatever the Federal Government would do?

Another big question is, Who gets the money? This is a big dispute. A few weeks ago, Health and Human Services Secretary Donna Shalala wrote a letter to the States and said that the Federal Government is entitled to its pro rata share of the Medicaid money, assuming States were getting most of their money to reimburse them. The States attorneys general said no. They went to court and they filed suits. The Federal Government didn't join in those lawsuits. The States are saying, give us the money. They took the legal action; the Federal Government didn't. So who should get the money? We need to make those decisions.

How much money are we talking about? The States attorneys general and the industry came up with an agreement that said $368 billion over 25 years. The administration said, ''We want a lot more.'' They didn't say how much more. Should there be additional fines and penalties? These decisions have to be made. Should the money go to the States and have it be off budget? They have not made those decisions.

As you can see, these are not easy decisions to make, and there are more questions. What would be an appropriate antitrust exemption for tobacco companies? What kind of limitations should they have on immunity from lawsuits? Should there be a total exemption from class action lawsuits for the tobacco industry? Should that apply to individuals as well?

How much power should the FDA have? Should they be able to ban or regulate nicotine or cigarettes, or control advertising and sales? Is that something that would require legislative action?

How do we take care of those people who are directly affected by this, such as the tobacco farmers, the processors, the distributors, the people that have the vending machines, and so on? They were not included in the original package. Should they be included in whatever comprehensive legislation we would pass?

What did the proposed resolution leave out? There are a lot of things we should consider that weren't included. Should we have a limitation on compensation for the attorneys in this process? And so on. I could go on and on about the unanswered questions.

My point is that there is a lot of work to do. If the Congress is going to move this piece of legislation next year in a comprehensive bill, then we are going to have to go to work early. So I have asked the committee chairs to consult with the ranking members and the other members of the committee to try and come up with what they believe in their committee of jurisdiction they have strong support for and what they think should be included in a total package. Then we have, as I mentioned, six committees that are involved in this legislation directly—maybe more are indirectly involved—and certainly more. I didn't include Budget, which is involved. So I'm asking all committees to make their recommendations, and we will try to put a package together to see if we can't really have a concerted, aggressive, energetic effort to reduce teenage consumption of smoking, teenage addiction to smoking.

I might mention, Madam President, that in addition to smoking, I think Congress should be tackling teenage addiction to drugs, because teen drug use, unfortunately, has doubled in the last 5 years. We have seen enormous increases. As a matter of fact, 11 percent of kids in junior high now use dangerous, illegal, illicit drugs. Today, 1 out of 10 kids in sixth, seventh, and eighth grade are using illegal drugs on a monthly basis. The number of kids using marijuana has more than doubled in the last many years. We have to have a concerted effort, I think, to reduce teenage addiction to tobacco, but also other drugs as well.

Madam President, this will not be easy. If you try to see all of the different pieces of this package and try and put it together, it will not be easy. But I think that we have what I would say is a bipartisan agreement that we should reduce consumption and addiction of drugs and smoking among teenagers. I am very committed to trying to pass a comprehensive package that will reduce teenage smoking and teenage addiction to drugs.

I just say to all my colleagues, let's work together and see if we can't come up with a package we can all be proud of—not just something that's good for politics, but let's do something that is going to good policy. It will be good policy if we can get teenagers off drugs and away from a tobacco addiction. Let's work together to make that happen, not just try to score points and say who is the most antitobacco, or the most this or that. Let's work on good policy, something that will help curb the growth of teenage addiction to tobacco and drugs. I welcome the contributions of Senator MCCAIN, Senator HATCH, Senator LUGAR, Senator MACK, and others over the past few weeks on this issue. I think we can work together for the betterment of our children, and our country.

Madam President, in conclusion, I want to insert a couple of other things in the RECORD. One is a summary of a study that was done by the Federal Government. There was a $25 million Federal study published on September 10 in the Journal of the American Medical Association entitled the National Longitudinal Study of Adolescent Health. The study concluded that feeling loved, understood, and paid attention to by parents helps teenagers avoid high-risk activities, such as using drugs and smoking cigarettes. The study further concluded that teenagers who have strong emotional attachments to parents and teachers are much less likely to use drugs and alcohol, attempt suicide, and smoke cigarettes.

Madam President, I mention this study because it had a lot of common sense. The study found that the presence of parents at home at key times—in the morning, after school, at dinner,

and bedtime—made teenagers less likely to use alcohol, tobacco, and marijuana.

Ironically, the Government spends millions of dollars on programs to reduce teen smoking and, frankly, many of them haven't worked. I think this study shows that loving parents may be the best program that we can have.

Madam President, I ask unanimous consent that an article summarizing that study, published in the Washington Post on September 11, be printed in the RECORD.

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

[From the Washington Post, Sept. 10, 1997]

LOVE CONQUERS WHAT AILS TEENS, STUDY FINDS

(By Barbara Vobejda)

Teenagers who have strong emotional attachments to their parents and teachers are much less likely to use drugs and alcohol, attempt suicide, engage in violence or become sexually active at an early age, according to the largest ever study of American adolescents.

The study, published in today's Journal of the American Medical Association, concludes that feeling loved, understood and paid attention to by parents helps teenagers avoid high-risk activities regardless of whether a child comes from a one- or two-parent household. It is also more important than the amount of time parents spend at home, the study found.

At school, positive relationships with teachers were found to be more important in protecting teenagers than any other factors, including classroom size or the amount of training a teacher has.

Researchers also found that young people who have jobs requiring them to work 20 or more hours a week, regardless of their families' economic status, are more likely to use alcohol and drugs, smoke cigarettes, engage in early sex and report emotional distress.

The findings are the first wave of data from a $25 million federal study known as the National Longitudinal Study of Adolescent Health, which surveyed 90,000 students in grades 7 through 12 across the country. Researchers also conducted interviews with more than 20,000 teenagers in their homes and with 18,000 parents. The results will continue to be analyzed in increasing detail over the next decade, researchers said.

The first analysis of the massive data not only confirms what other studies have shown—that family relationships are critical in raising healthy children—but teases apart more precisely what elements of family life are most important.

While the amount of time spent with parents had a positive effect on reducing emotional distress, for example, feeling ''connected'' to parents was five times more powerful. And this emotional bound was about six times more important than was the amount of various activities that teenagers did with their parents.

Though less important than the emotional connection, the presence of parents at home at ''key times''—in the morning, after school, at dinner and at bedtime—made teenagers less likely to use alcohol, tobacco and marijuana. The data did not cite any one period of the day as most important.

''This study shows there is no magical time,'' said Robert W. Blum, head of adolescent health at the University of Minnesota and one of the principal researchers.

The study also found: Individual factors in a teenager's life are most important in predicting problems. Most likely to have trouble are those who have repeated a grade in school, are attracted to persons of the same sex, or believe they may face an early death because of health, violence or other reasons. Teenagers living in rural areas were more likely to report emotional stress, attempt suicide and become sexually active early. Adolescents who believe they look either older or younger than their peers are more likely to suffer emotional problems, and those who think they look older are more likely to have sex at a younger age and use cigarettes, alcohol and marijuana. The presence of a gun at home, even if not easily accessible, increases the likelihood that teenagers will think about or attempt suicide or get involved in violent behavior.

The researchers, most of whom are associated with the University of Minnesota or the University of North Carolina-Chapel Hill, said the study underscores the importance of parents remaining intensely involved in their children's lives through the teenage years, even when they may feel their role is diminishing.

''Many people think of adolescence as a stage where there is so much peer influence that parents become both irrelevant and powerless,'' said J. Richard Udry, professor of maternal and child health at UNC-Chapel Hill and principal investigator of the study. ''It's not so that parents aren't important. Parents are just as important to adolescents as they are to smaller children.''

The study did not compare the influence of peers to that of family. But the authors did suggest steps parents can take: Set high academic expectations for children; be as accessible as possible; send clear messages to avoid alcohol, drugs and sex; lock up alcohol and get rid of guns in the home.

Udry led a team of a dozen researchers, whose work was funded by Congress in 1993 to learn more about what can protect young people from health risks. The study was sponsored by the National Institute of Child Health and Human Development, which is part of the National Institutes of Health.

The researchers went to great lengths to assure teenagers that their answers would remain confidential. On sensitive topics involving sex and drug use, for example, teenagers listened to tape recorded questions and answered on a lap-top computer.

Overall, the study found, most American teenagers make good choices that keep them from harm. But a significant minority report a range of problems.

About 20 percent of girls and 15 percent of boys, for example, said over the past year they had felt significantly depressed, lonely, sad, fearful, moody or had a poor appetite because of emotional distress.

Researchers said they were not sure why adolescents who work 20 hours or more a week are more likely to have problems. But Udry speculated that it may be because they are surrounded by an older group and ''have more money to spend to get into trouble.''

In its examination of schools, the study looked at attendance rates, parent involvement, dropout rates, teacher training, whether schools were public or private and whether teenagers feel close to their teachers and if they perceive other students as prejudiced.

But only one of those—whether students felt close to their teachers—made a difference in helping teenagers avoid unhealthy behavior.

''Overriding classroom size, rules, all those structural things, the human element of the teacher making a human connection with kids is the bottom line,'' Blum said.

Mr. NICKLES. Madam President, I ask unanimous consent that a Republican policy paper entitled ''President Clinton's Failing War on Drugs'' be printed in the RECORD.

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

PRESIDENT CLINTON'S FAILING WAR ON DRUGS

Throughout the Clinton presidency, America has been witnessing increases in illegal drug use among our nation's younger generation. This sharp reversal from the steady progress made against illegal drug use throughout the 1980s and early 1990s is the inescapable result of the Clinton Administration's retreat in the war against drugs. The Clinton Administration has de-emphasized law enforcement and interdiction while relying heavily on drug treatment programs for hard-core drug abusers in the hopes of curbing drug usage. Result: backward momentum.

BACKWARD MOMENTUM FROM DAY ONE: DRUG ABUSE UNDER CLINTON

Two national annual surveys show that drug abuse by our nation's youth has continued to increase since President Clinton came to office. The most recently released Parents Resource Institute for Drug Education—the so called ''PRIDE'' survey—and the University of Michigan's ''Monitoring the Future'' both offer cause for alarm.

The Monitoring the Future Study reveals that illicit drug use among America's schoolchildren has consistently increased throughout the Clinton Administration:

For 8th graders, the proportion using any illicit drug in the prior 12 months has increased 56 percent since President Clinton's first year in office, and since 1993 it has increased 52 percent among 10th graders and 30 percent among 12th graders.

Marijuana use accounted for much of the overall increase in illicit drug use, continuing its strong resurgence. All measures of marijuana use showed an increase at all three grade levels monitored in 1996. Among 8th graders, use in the prior 12 months has increased 99 percent since 1993, President Clinton's first year in office. Among 10th graders, annual prevalence has increased 75 percent—and a full 121 percent increase from the record low in President Bush's last term in 1992. Among 12th graders it increased 38 percent since 1993.

Of particular concern, according to the survey, is the continuing rise in daily marijuana use. Nearly one in every twenty of today's high school seniors is a current daily marijuana user, and one in every thirty 10th graders uses daily. While only 1.5 percent of 8th graders use marijuana daily, that still represents a near doubling of the rate in 1996 alone.

The annual prevalence of LSD rose in all three grade levels in 1996. In short, since President Clinton assumed office, annual LSD use has increased 52 percent, 64 percent, and 29 percent among 8th, 10th, and 12th graders respectively. Hallucinogens other than LSD, taken as a class, continued gradual increases in 1996 at all three grade levels.

The use of cocaine in any form continued a gradual upward climb. Crack cocaine also continued a gradual upward climb among 8th and 10th graders. In short, since President Clinton assumed office, annual cocaine use is up 77 percent, 100 percent, and 49 percent among 8th, 10th, and 12th graders respectively.

The longer-term gradual rise in the of amphetamine stimulants also continued at the 8th and 10th grade levels.

Since 1993, annual heroin usage has increased by 129 percent, 71 percent, and 100 percent for 8th, 10th, and 12th graders respectively. That is, for 8th and 12th graders, use

of heroin has at least doubled since Clinton first took office.

NOW IS NOT THE TIME TO TAKE A BACK SEAT

According to some experts, the age of first use is a critical indicator of the seriousness of the drug problem because early risk-taking behavior statistically correlates to riskier behavior later. For example, the Center on Addiction and Substance Abuse at Columbia University estimates that a young person who uses marijuana is 79 times more likely to go on to try cocaine than one who hasn't used marijuana.

The most current survey on drug use—the so called PRIDE survey—shows a continuing and alarming increase in drug abuse by young kids. While the increase in drug use among older students has remained flat this year, illegal drug use among 11 to 14 year-olds has continued on a dangerous upward path. According to the President of PRIDE, ''Senior high drug use may have stalled, but it is stalled at the highest levels PRIDE has measured in ten years. Until we see sharp declines in use at all grade levevls, there will be no reason to rejoice.'' With respect to younger students, the survey found that:

A full 11 percent of junior high students (grades 6–8) are monthly illicit drug users.

Junior high students reported significant increases in monthly use of marijuana, cocaine, uppers, downers, hallucinogens and heroin, specifically: Annual marijuana use increased 153 percent since Mr. Clinton's first year in office; cocaine use increased 88 percent since Mr. Clinton's first year in office; and hallucinogen use increased by 67 percent since Mr. Clinton's first year in office.

PRESIDENT CLINTON'S MISTAKEN PRIORITIES: FAILED ENFORCEMENT OF DRUG LAWS

A recent analysis by Robert E. Peterson, former drug czar for the state of Michigan, revealed:

In 1994, a person was more likely to receive a prison sentence for federal gambling, regulatory, motor carrier, immigration or perjury offense than for possessing crack, heroin, or other dangerous drugs under the federal system.

The time served for drug possession in less than half that of federal regulatory and tax offenses, less than a third that of mailing obscence materials, and equivalent to migratory bird offense sentences.

In 1995, a federal trafficker could expect seven months less on average drug sentences than in 1992.

Possession of 128 pounds of cocaine, 128 pounds of marijugana, 3 pounds of heroin and/or 1.5 pounds of crack earned only eight months in prison. Six in ten of these federal criminals served no time at all in 1992.

The average federal setence imposed for drug offenders increased by 37 percent from 1986–1991, but has declined 7 percent from 1991–1995.

RETURNING TO A SERIOUS STRATEGY

In 1993 the Clinton Administration promised to ''reinvent our drug control programs'' and ''move beyond ideological debates.'' What that amounted to was de-emphasizing law enforcement and interdiction and expecting dividends from ''treatment on demand.'' Two years later, a congressional leadership task force developed the principles for a coherent, national counter-drug policy and a five-point strategy for future action. The task force called for: Sound interdiction strategy; serious international commitment to the full range of counter-narcotic activities; effective enforcement of the nation's drug laws; united full-front commitment towards prevention and education; and accountable and effective treatment with a commitment to learn from our nation's religious institutions.

Illegal drug use endangers our children and our economy and disproportionately harms the poor, yet President Clinton has accumulated a record of callous apathy. America cannot afford a ''sound bite'' war on drugs. Only a serious commitment to enforcement and interdiction efforts will produce results.

Mr. NICKLES. Madam President, I ask unanimous consent that the list of questions that I have alluded to in my comments, the 10 questions focusing in on reviewing the tobacco settlement, be printed in the RECORD at this point.

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

ASSISTANT MAJORITY LEADER,
U.S. SENATE,
Washington, DC, November 6, 1997.

To: Committee chairmen.

From: Senator Nickles.

Re Ten questions to focus on in reviewing tobacco settlement.

(1) What works best to reduce teen smoking? What sort of government-run programs, if any, work to reduce teen smoking? If there are some that work, is it best they be designed and run at the Federal level, or the state level? In addition, are there other things we can do to help parents and families create the conditions that support a child in his or her vulnerable years, that encourage a child not to start smoking or experiment with drugs?

(2) Should we increase the per-pack price; by how much; and how should we do it? Should the funding mechanism be an increase in taxes, or an industry-coordinated price increase? Does Federal action bar States from moving on their own to increase their tobacco taxes, if they so choose?

(3) Who gets the money? Should the payments contemplated under the global agreement go directly to the states, go directly to caregivers who treat patients, or be collected and disbursed by the Federal government in existing programs such as Medicaid or Medicare—or should we create a whole new set of programs? Is it appropriate to give billions of dollars to advocacy and interest groups?

(4) How are we to treat this in the Federal budget? Should the deal be on or off budget? Should any new spending be subject to the existing discretionary spending caps and pay-as-you-go rules? Should tobacco industry payments and/or penalties be deductible as ordinary business expenses, subject to capitalization as assets, or simply non-deductible?

(5) What are the implications for States? Should anything agreed to by Congress and the President, or entered into by the tobacco companies voluntarily, pre-empt State laws or regulations that may be more stringent? Should Federal action rewrite state laws on liability and immunity, or remove pending tobacco cases from state courts to Federal courts? How are states supposed to reconfigure their budget and health programs, and how much money, if any, are they supposed to give to Washington? Does the agreement treat States equitably?

(6) What's an appropriate anti-trust exemption for tobacco companies? How large an anti-trust exemption should be granted to the tobacco companies to operate in concert to execute some of the requirements of the agreement?

(7) How far should we go on liability and immunity? Is it constitutional, or fair, to eliminate individuals' rights to class-action lawsuits and punitive damages? Are the level of payments, fines and penalties an appropriate trade-off for the industry receiving legal protection in the future? What precedent does this set for other liability issues facing Congress?

(8) What new powers should be given to the FDA? How much authority, if any, should Congress grant to the FDA to regulate, or ban, nicotine, or control advertising and sales?

(9) How should we take care of those directly hurt by the deal? Under the agreement, farmers will see demand for their product decline. Machine vendors are put out of business. Retailers are required to remodel their stores to put cigarettes out of sight. If a global deal is to be implemented, what is the fairest way to take care of these people?

(10) What did the deal leave out that needs to be included? Negotiators left out dealing with drugs, tobacco farmers, immense fees paid to a few lawyers—but what else wasn't thought of that the majority on our committees believe is important? And what, if any, unintended consequences will occur? For example, if tobacco usage does decline, as advocates of the agreement insist, then possibly money paid under the agreement might decline too. Who, then, would pay for all these new initiatives?

Mr. NICKLES. Madam President, I yield the floor.

FOREIGN OPERATIONS

Mr. GRAMS. Madam President, I rise to talk a little bit today about how I am extremely disappointed that the House passed the foreign operations conference report without the provisions of the State Department authorization bill attached to it.

While the foreign operations bill does many positive things, its failure to include language to reorganize our foreign relations bureaucracy and establish benchmarks for the payment of U.N. arrears seriously flaws this bill.

The proposals to reorganize our foreign policy apparatus and to attach the payment of U.S. arrears to U.N. reforms had been carefully worked out over many months.

Unfortunately, my colleagues in the House of Representatives are holding these provisions hostage to the Mexico City policy. While I am a strong supporter of the Mexico City policy, I believe that debate on this issue should not hold up the important United States and U.N. foreign policy reforms.

Now, if the State Department authorization bill dies in the House, the House has lost the Mexico City policy debate, and the only victory they can claim is that they have given the United Nations new money for the United States assessments, but with no reform strings attached, and they block a reorganization of our foreign policy apparatus that we have pursued for more than four years.

That isn't a record they should regard with pride.

As chairman of the International Organization Subcommittee, I worked hard to help forge a solid, bipartisan United Nations reform package. The Senate's message in crafting this legislation is simple and straightforward:

The United States can help make the United Nations a more effective, more

efficient, and financially sounder organization, but only if the United Nations and other member states, in return, are willing to finally become accountable to the American taxpayers.

The reforms proposed by the United States are critical to ensure the United Nations is effective and relevant. We must reform the United Nations now and the United States has the responsibility to play a major role in this effort.

If we do nothing, and the United Nations collapses under its own weight, then we will have only ourselves to blame. So I urge my colleagues to act now, or this window of opportunity may be lost for achieving true reform at the United Nations.

But passing this U.N. package is not just about a series of reforms for the future. It impacts directly on the credibility of the U.S. mission at the United Nations right now.

Ambassador Richardson has been pushing other member states to accept the reforms in this package in return for the payment of arrears. Now that package will not arrive.

At this critical juncture, when the United Nations is facing down Saddam Hussein, and the United States is trying to keep the gulf war coalition unified, it is reckless for the House of Representatives to do anything that would undercut the negotiating position of Ambassador Richardson and Secretary of State Albright at the United Nations. And believe me, the failure to pass this legislation will have a negative impact on the conduct of our foreign policy.

Madam President, the United States does not owe most of these arrears to the United Nations. It owes them to our allies, like France, for reimbursement for peacekeeping expenses.

Under normal circumstances, I am the last one who could be expected to make a pitch for funding for France. But considering that France is one of the members on the Security Council that is going soft on Iraq—soft on Saddam Hussein—depriving the United States Government the ability to use these funds as leverage is irresponsible. After all, our diplomats need carrots as well as sticks to achieve our foreign policy goals.

Madam President, I am hopeful that my colleagues in the House will see the wisdom of adopting measures that will enhance America's ability to exert leadership in the international arena through the consolidation of our foreign relations apparatus and the revitalization of the United Nations.

The State Department authorization bill should be allowed to pass or fail on its own merit—not on the merits of the Mexico City policy. This agreement is in America's best interest, and the best interest of the entire international community.

Madam President, I yield the floor.

I see no other Senators wishing to speak, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Madam President, is there an order operative at this moment?

The PRESIDING OFFICER. The Senate is in morning business until 4 p.m.

Mr. DOMENICI. Are the times limited on speeches?

The PRESIDING OFFICER. The special order provides for 10 minutes for each Senator to speak.

Mr. DOMENICI. I yield myself the 10 minutes that I am allowed.

THE ANNUAL BUDGETING PROCESS

Mr. DOMENICI. Madam President, I want to talk a little bit about what a joyous day of wrap-up of the Senate in the first year of the 2-year Congress could be if, as a matter of fact, we left here after completing the appropriations bills and went about our business to go home to our home States, had a good Christmas season, worked with all of our constituents, and then came back next year, the second year of a Congress, and the appropriations were already done and the budget was already done. But that is not going to happen.

We just finished appropriations, I assume we will hear shortly. And what has taken up the entire year? I don't have the statistics. But early next year I will put them in the RECORD. But I am just going to ask the Senators who have a little recollection of the year to just think about what we did.

First of all, we worked diligently on a balanced budget. That didn't occur until late May and early June. I am trying mightily to think what was accomplished before that, thankfully. I wish I had a better memory. But I don't think we did a lot. A few bills here and there, but I am sure we didn't have any superb oversight.

People are all waiting for what? For the budget. And then for what? All the appropriations bills that have to come after it. Oh, by the way, in between, we had to implement the budget with those two big reconciliation bills.

So essentially we stand on the threshold of wrapping up the Congress for a year, and we start next year. We are going to anxiously await the President's budget—another 1-year budget. Would it have been better for America, for the U.S. Congress, for all the agencies that are funded, from NIH to some grant to a university, to our Armed Forces, and all the money that they have to spend if they could have a 2-year appropriation? Wouldn't we be better off, in a 2-year Congress—that is what we are, by the Constitution—if in 1 year we did all of the budgeting and all of the appropriations?

I have been working on budgets and appropriations bills long enough to know that there are all kinds of reasons for not doing 2-year budgets. I am an appropriator who thinks we should have a 2-year budget. Maybe many of the appropriators think we are better off sending our little measures to the President every year, and maybe we get more that way.

Just look at the 2-year appropriations. You get 2 years in there because we do 2-year appropriations bills. If you are worried about getting enough things in it, you can do it twice, even as we appropriate only one time for 2 years. But I don't think there is a great majority who are worried about that. I think we just are fearful to break with tradition. Somehow or another we have been appropriating every year.

Then when we wrote the Budget Act not too long ago, we said, ''Well, we have to have a budget every year.''

So what do we do? We do that. It is almost like we get started next year, and we are right back at the budget, which many people think we just finished. Sure enough, in the middle of the year, some appropriators will start looking at their bills, and sure enough, we will be back here, predictably—if not at this time a little later—and we will still have two or three appropriations bills that we can't get completed. Why? Because they are being held up by authorization riders that are very, very much in contention.

I ask, wouldn't we be better off if we had that kind of argument, be it on the money that we now refer to as the ''Mexican issue'' with reference to birth control and the kinds of family planning that we put money into foreign countries for, wouldn't we be better off if we voted on that only once every 2 years? It would have exactly the same effect. In fact, we could fight just one time out of 2 years. We could send these little bills back and forth between the President and the Congress with these little 1-day extensions of Government. We could do that only 1 year out of 2, and everybody could make the same vote. Everybody could make their case in the same way. But who would gain?

I believe the institution known as the U.S. Senate and the U.S. House of Representatives would gain immensely. In fact, might I suggest that what it means to be a U.S. Senator would be dramatically changed if we had 2-year appropriations, a 2-year budgeting, because, if we did these every 2 years, we would be able to have oversight and see what is happening to the programs that we fund and the programs that we put in motion through the process called authorization.

Then, Madam President and fellow Senators and anybody interested in good government, we have not yet been able to encapsulate into our thinking what the executive branch of Government wastes by having to produce a budget every single year with budget hearings at the OMB, with people who

are planning over at the National Institutes of Health to get a program going that is going to be 10 years in duration and come and present this 1-year part of that every single year. As a matter of fact, there would be twice as much time to do the things we are neglecting—to debate foreign policy in a real way, to have a 2- or 3-month debate on tax reform where people would really spend time. And day after day we could be on the floor instead of in some little room under the threat of a bill reconciliation measure from the budget process telling you to get it done in 25 days. We could have people looking at education, at the myriad and scores of bills that are already out there that are funding programs. Instead of finding new ones every year and new problems, we would go back and look to see what the whole entourage of education money looks like. Are there programs there that aren't working? But you need a lot of time to do that. You can't be getting up and running to the floor to vote every single year on 50 to 60 budget amendments, all of the appropriations bills with their attendant amendments, and then have to have your staff focus on what is in each one of those bills only to find you are back again in 6 months doing the same thing over again.

As a matter of fact, the more I think about that and the more I talk about it, the more I think I am prepared to say for us to appropriate and budget annually when the Constitution says Congress lasts for 2 years, that it is absurd from the standpoint of modern planning with the modern tools we have to do the estimating that we are doing every year instead of doing it for 2 years.

Some are going to say you are going to have to have a lot of supplemental appropriations. I am sure the occupant of the chair is already hearing that when she speaks about 2-year appropriations and 2-year budgets. Let me tell you, even with 1-year appropriations, we have to have supplementals because some few things break in the Government, and we are not quite right on, and we have to go fix them. But there is a way to limit the supplementals even in a 2-year process to no more than we are doing now.

Once I asked four different departments of Government, as they reported to the Appropriations Committee, to give us information on the appropriations before us on that particular year and asked how much of it is similar if not exactly the same as last year's. You would be surprised. As much as 90 percent of appropriations bills are the same year after year. Isn't it interesting? We debate them all over again. We mark them up all over again, and we add these amendments that cause us to debate ad infinitum, which could just as well be 2-year amendments as 1-year. But we do it to ourselves by making sure we go through this kind of difficult confrontational atmosphere every single year.

Put yourself in the position of those in America that we have said should get some Government money for something. I have spoken to large groups of scientists from our universities, from our hospital research centers, from our laboratories, and they all want more certainty of funding. Of course, they would all like more funding. But they shout to the rooftops when you say, wouldn't you prefer to have 2 years instead of 1 year as your appropriation? Could you manage it better? Could you be more efficient? The answer to all of those questions is ''absolutely.'' Yet, we remain stuck in the mud of tradition saying we have to do it every single year.

There is a bill pending. It has cleared the Governmental Operations Committee 13 to 1—S. 261. It is here. It is at the desk. I am thankful that since we have a 2-year Congress, it is still at the desk. Congress isn't finished until next year come January.

I am going to work very hard with others in this Senate to urge that our leader schedule early a lengthy time on the floor in the early days of the Congress to debate this issue. Thirty-three Senators from both sides of the aisle cosponsored the measure before it cleared Governmental Operations. I believe, if I had enough time to circulate it even more among Senators, that I would have had more than 50 Senators supporting it. It might be because of the processes around here that there will be a Senator who will object, and we might have to get 60 votes, because obviously changing the budget to 2 years and the appropriations for 2 years could be a controversial issue.

So I am prepared for the 60-vote requirement. But even at that, I want to say to those who oppose it, who oppose this modernization, this bringing into modern times of our processes around here, that I believe there are more than 60 Senators if they hear the debate and if we configure that debate so as to make the Senators feel just like we are finished here today instead of next February or March, we could be saying if this 2-year budget, 2-year appropriations bill, had passed, we would be finished for a full year. We could do other things, and the departments of our Government could go about their business without preparing yet another budget and going through all of the rigor, time, effort, and lack of efficiency that comes with that.

So, Madam President and fellow Senators, I just want to make two wrap-up points. I believe anybody watching this year, if presented with a real opportunity to go through this only once every 2 years instead of twice and have time for other things, we would probably have a huge, huge plurality voting with us.

The American people can't get excited about process issues, but if they understood what we go through and what we have assigned to ourselves, to the executive branch and to all those that we fund by way of making it difficult and tough and inefficient by doing the same thing over each year, then I think the American people would be excited by this reform. If the people knew we could do it for 2 years at a time, if we could just get that out there, get that debated in a very open manner that everybody understands, then we might have kind of a birth of modernization, kind of a ray of light shining on these processes, and I believe the American people would gain.

I believe we would do our jobs better. I believe we could do oversight; we could have more hearings; we could actually, every couple of years, take a month or two and go out in the hinterland and hold hearings in our country which wouldn't be all that bad. How are we going to do it under the current annual process? Somebody think of that around here and the first thing you know there will be five appropriations bills ready for the normal 50 votes, or a budget resolution taking 2, 3 weeks, taking vote after vote after vote, half of them being sense-of-the-Senate issues which shouldn't be even allowed on a budget resolution, but that is the current process.

So that is one point. We would be doing the American people a better job if we could do that.

And second, the Senate and House would be better places within which to do business for the American people if there wasn't so much redundancy and waste of time and effort. So we are going to try to see if we can accomplish both of those goals which I think are rather admirable.

I do not want to leave the wrong impression for those who seek to defeat this measure that it violates the Budget Act. The bill is not subject to a 60-vote point of order. It just takes a simple majority. It has been in both committees. That is why we went through that. It's gone to the Governmental Affairs Committee. Then it went to the Budget Committee, which was discharged, and so it is here as any other normal bill. So if we get that magic 51 votes, we can change this process.

I just want to put in the RECORD the major legislation that passed this year and even some of our authorizing processes were very late for one reason or another. While a great deal of legislation has passed, we only will clear about three major authorization bills for the President's signature: DOD authorization, FDA reform, SBA reform. The compelling amount of time and the overwhelming majority of effort was spent on the budget resolution, two reconciliation bills, and 13 appropriations bills. And we haven't quite done that; six continuing resolutions before we're done tonight. I do not blame anyone for that. The chairman of the Appropriations Committee this year has been a stalwart in trying to get the appropriations bills done on time. He has not benefited from the two Houses being able to agree on four or five issues and a majority in the House being on the opposite side of the President on two or three issues.

Besides appropriations, we spent a great deal of effort on the budget resolution and the Balanced Budget Act of 1997 and the Taxpayer Relief Act of 1997—the two reconciliation bills called for by the balanced budget agreement and the budget resolution. And frankly, hardly any time was left for other major bills to be debated for any length of time, and I think we can do our job a lot better than that.

I thank the Chair and I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

EXTENSION OF MORNING BUSINESS

Mr. ROTH. Madam President, I ask unanimous consent that morning business be extended until the hour of 6 p.m. under the same terms as previously ordered.

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

FAST TRACK

Mr. ROTH. Madam President, a little over a week ago, I stood to introduce the Finance Committee's fast track bill. On that occasion, I made it clear that fast track authority is important to America's future. I advocated the need for American leadership if we are to make progress in expanding economic opportunities for individuals and families here at home.

I emphasized that America has always been a trading nation. From colonial times to the creation of the post-World War II international economic order, the United States has pressed for open commerce, free of discriminatory preferences and trade-distorting barriers.

From battles with Barbary pirates on the shores of Tripoli to the arduous negotiations that led to the signing of the Uruguay round agreements in Marrakesh, Morocco, we have promoted and defended open, fair, and unfettered trade.

The United States has been a driving force for expanding world trade and the prosperity it yields, particularly over the last six decades. From the creation of the GATT, to the initiation of each successive round of multilateral trade negotiations, to the political will to conclude the Uruguay round, America has taken the lead.

We have pursued this course in our own economic and political self-interest. In purely economic terms, the United States is the world's largest trading state and the largest beneficiary of the international trading system. We lead the world in both exports and imports.

Thirty percent of our current annual economic growth depends on exports. Eleven million jobs are directly tied to those export sales.

According to the Federal Reserve, our two-way trade, both exports and imports, have played a major role in the 7 years of sustained, noninflationary economic growth we enjoy today. And no other nation in the world is so well positioned to bless its citizens through open trade than America. Our Nation, better than any other, is situated to succeed in a global economy.

We have the diversity of cultures, the most advanced technology, the most efficient capital markets, and a corporate sector that is constantly innovating and has already gone through substantial restructuring that is necessary for global competition. We have a single currency, a common language, and the important blessing of geography: we are a nation—a continent—that looks both to Europe and to Asia.

No other nation is so well positioned to reap the blessings of a global economy. As Thomas L. Friedman suggested in the New York Times, America, as a nation, almost appears to have been designed to compete in such a world.

Having said this, let me be clear that we have not pursued the goal of liberalizing trade solely because it is in our own economic interest to do so. We have pursued that goal because it is in our political and security interests as well.

It is worth noting, in the shadow of the Veterans Day remembrance, that conflicts over trade in the 1930's deepened the Great Depression profoundly and fostered the political movements that gave us the Second World War. Our own revolution was fought in large part because of the constraints Great Britain imposed on the colonies' trade. Indeed, it is difficult to recall any great conflict in which trade did not play a part.

In my view, prosperity is the surest means to secure peace, both because it strengthens our capacity to maintain our defense and because it reduces the causes of conflicts that lead to war.

In this Chamber, we have had a spirited debate that has raised a number of significant issues—from alleged flaws in our trade agreements, to the causes and consequences of the trade deficit, to the issues of labor standards and the environment. We have benefited from this exchange of views on both sides. And, I was heartened by the vote in the Senate to move to proceed to debate the Finance Committee's bill extending fast track negotiating authority—a vote that commanded a majority of Members from both sides of the aisle.

As heartened as I was by our vote, I was as disappointed in the President's decision to ask that the measure not be put to a vote in the House. It is clear, from all reports, that the President was unable to move a sufficient number of Members of his own party to join in the effort to promote American economic and political interests abroad.

My first thought on hearing of the President's decision, however, was not about the past. My first thought was for the future.

I say this because I happen to believe that we are on the edge of an era of unparalleled prosperity, not just in the United States, but throughout the world. But the realization of such prosperity will depend on conditions. It will depend on our making the right kinds of choices.

It will depend on our ability to advance the cause of open markets and the freedom to compete fairly throughout the world.

Walter Lippman coined the term the ''American Century'' to apply to the decades from the turn of the century during which the United States grew to a position of unrivaled economic, political, and cultural strength. I happen to believe that we are now entering a second ''American Century,'' if we have the courage to embrace the challenges and opportunities of international leadership that our greater destiny offers us.

We will not advance our own cause if we shirk that responsibility. Nor will we serve the generations of Americans that follow us if we shrink from an expansive vision of what we can accomplish together if we, as Americans, remain united in a common purpose.

In the abstract and arcane world of international trade, there is little that is not subject to debate and differing points of view. One exception, however, is that for the world to make progress, the United States must lead.

This is the essence of the fast track debate—whether we would offer the President the means by which he can exercise American leadership on the trade front. Absent fast track, he will not have a seat at the table. The rules of the road will be written without our full participation. History tells us that, when that happens, the world does not move in the direction of open, unfettered commerce, but in the direction of preferential trading systems often designed to exclude the United States.

There are a series of negotiations on the horizon within the WTO and other forums. They will redefine the rules in areas like agriculture, financial services, and basic customs rules applicable to every product imported into, or exported from, the United States.

They will proceed without us and in a direction we will not like if the President lacks the authority to engage and lead. And if that is the case, we are certain to lose a great deal. For example, Charlene Barshefsky reminds us that in the area of negotiating market access to government procurement, there is over a trillion dollars at stake in Asia alone. In services, there is over a $1.2 trillion global market, and in agriculture over $600 billion.

I doubt whether the farmers of America will believe that it will be a sufficient response to say that we failed to act on fast track because we did not understand the true cause of our trade deficit and therefore left it to others to define the rules that will govern our agricultural trade into the 21st century.

For that reason—for what is at stake for Americans, for our families, for

jobs—high paying jobs—I want to see us return to the issue of trade negotiating authority in the coming session of Congress. I want to see both Houses of Congress move on as broad a front as possible to secure our economic future.

Because of what is at stake, we must make progress where we can, regardless of how broad a consensus we can ultimately achieve. We need to address the reality of these impending items on the international agenda and define the strategy the United States will promote in each. That does not give us the luxury of waiting until a final consensus has been reached on every issue raised in our recent debates. We need to be able to make an impact now and I will be working with my colleagues on both sides of the aisle to ensure that we do.

As for building a stronger bipartisan consensus for the long run on trade, my sense from our debates is that there are a number of important issues that need to be examined. They need to be examined in a way that would excise the politics and help us all understand the dynamics at work in an increasingly global economy. We need to develop a mechanism for addressing these issues, helping us resolve our collective concerns, and allowing us to move forward in a way that will benefit all working Americans. I intend to work closely with my colleagues toward this end in the coming months.

Let me conclude with words of praise for each and every Member of this body. I believe that we have shown incredible leadership ourselves on an issue of the utmost importance to America.

I know we share a common goal of a stronger American economy that benefits all working men and women. In the months ahead, let us unite in an effort to resolve the differences between ourselves in order to remove the roadblocks that stand between us and that common goal. Let us pull together in this coming session of Congress to redefine the debate in terms of the progress we can make together toward our ultimate objective.

Based on the Senate's record in the past, I have great confidence that we can and will take that step forward to embrace a brighter American future. I thank my colleagues for their efforts over the recent weeks, and look forward to the opportunity to rejoin them in pursuit of the greater good for all Americans in this coming session.

Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER (Mr. GRAMS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MAURICE JOHNSON

Mr. LOTT. Mr. President, I want to take a few minutes to recognize the work of a man who has been a real asset to this institution. He has many fans in this room, both here on the floor of the Senate and up there in the press gallery. His name is Maurice Johnson, Superintendent of the Senate Press Photographers Gallery. He is retiring this year after nearly 30 years.

What a perspective—30 years of life in the Senate through a photographer's eye. Maurice has seen the entire range of congressional milestones, celebrations, inaugurations, investigations, and, of course, occasional legislation. He has taken part in sharing those events with the world, helping in many ways to ensure that the media coverage has run smoothly. No one has yet found a corner of the Capitol for which Maurice doesn't know the best angle and lighting.

Maurice is a voice for all photographers who cover the Senate day to day. As liaison between the Senators and the photographers, he has been an effective adviser, advocate, and coordinator.

He has been most helpful to my staff and to me over the past year and a half as we have adjusted to our leadership role. I thank him for his graciousness always under all circumstances.

We should not forget that Maurice is an accomplished photographer himself. He captured history as he covered the administrations of Presidents Truman, Eisenhower, Kennedy, Johnson and Nixon. Many of the images that we have from national political campaigns and conventions are Maurice's work. Some assignments must have been less like work than others, though. Photography for him has included the Redskins games or the U.S. Open golf tournament. Sometimes it has been the Miss America pageant. It certainly seems to me he hasn't exactly always had a tough day at the office. It sounds like it has been fun.

His talents have been rewarded by a steady stream of awards that have names like ''Best Picture of the Year'' and ''First Prize.'' He has been honored nationally for single photos, for his work in the Senate Photographers Gallery, and for the entire span of his career.

At a recent reception in Maurice's honor, the room overflowed with colleagues, friends, and family members who conveyed their affection and high regard for him. Now, as the session draws to a close, I want to take the opportunity to let Maurice know how much we in the Senate appreciate him and his work. I am sure my colleagues join me in thanking him for his many years of dedication. We wish him, his wife Lanny, and their children, Keith and Maureen, well.

I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ABSENCE OF DEBATE

Mr. GRASSLEY. Mr. President, I noted on Monday of this week that the administration had taken an important step on drug policy. I think, however, it was very much a misstep, and I do not think the administration played fair in doing it. Each year, the Congress requires the administration to submit a list of countries to be considered for certification on drug cooperation. This is called the Majors List.

The list serves as a basis for considering whether the countries listed have fully cooperated with the United States to control drug production and trafficking. It is this list that the President then considers for certification on March 1 of each year.

This year, and in keeping with what seems to be a tradition with this administration, the list came up to the Hill very, very late. Because of this and because of the history of tardiness, I decided to send a message to the administration, one that seemed necessary to get their attention. So I put a hold on several ambassadorial nominations to send the signal that Congress takes compliance with this certification law on the Majors List very seriously. After more than a week's delay, we finally received the list. As a result, I removed my holds, but the list as a document contains an omission that deserves careful notice.

Left off the list were the countries of Syria and Lebanon. Not just left off, but what does that mean, ''left off''? In this backhanded way, the administration decided in one big step to certify these two countries as somehow fully cooperating with the rest of the world, in this case the United States, on drug policy.

Let's think about this for a moment. Syria has been decertified for over 10 years. Syria was not certified even during Desert Storm or Desert Shield when it was one of our allies in that war. Lebanon has just received a national-interest waiver—a decertification with somehow a get-out-of-jail-free card. Now, without debate or without substantive explanation, the administration has simply left these two countries off the list. This is a momentous change in policy. It reverses years of consideration, and it appears to ignore considerable evidence.

In the letter forwarding the list to Congress, the President makes two arguments for doing this. Neither argument stands up well.

The first argument seems to advance the idea that because Syrian and Lebanese cultivation of opium has dropped below 1,000 hectares, that this act alone justifies a reconsideration of their being on the list.

It may justify a reconsideration, possibly, but it hardly justifies backdoor certification, and this is backdoor certification. Even the State Department's own annual drug report makes

it clear that both Syria and Lebanon remain major transiting countries for drugs. This criterion alone is enough to qualify for inclusion on the Majors List, but the administration then advances the argument that this is somehow OK, because the drugs do not come into the United States. There seems to be some belief in the administration that this is a justification for not keeping these two countries on the Majors List. However, it is apparent the administration does not read the law or doesn't even read its own reports.

But even if the facts supported removing Syria from the list, which they do not, the Congress deserves to be briefed on this momentous change beforehand. Israel and other European allies deserve notice of this dramatic change of our policy. The American public deserves a chance to understand the change. This did not happen. Instead, what we have is indirect certification. As a result, Syria will now escape serious consideration next March, despite evidence of significant trafficking and production of these illegal drugs.

When my staff first learned of the prospect of the change in policy, I told them to indicate to the State Department that this would be a very, very big mistake. I hoped that the Department would not take the step that they took.

I was of the opinion, however, mistake though it was, that if the administration wanted to proceed well, then it was their call. I did not extend my hold on the ambassadorial nominations to cover the issue of Syria, and I withdrew my hold on these nominations as soon as the list was delivered, late though it was. But this list raises yet another concern.

What we are left with, days before Congress adjourns, is a roundabout certification of Syria. I believe, as I said before, that such a decision is a big blunder. The way it was done does not do justice to the issue or the process of certification.

If it had not been done this way, imagine for a moment how the issue would have been handled. Next year, in February, the administration would have to make a decision to certify Syria or not based on the merits. It would have to make a case to Congress at that point and even to the public at that point for such a move. There may be some who believe that in that more straightforward environment, the same decision would have been made, but I doubt it.

With time to reflect and to consider, to publicly debate the issues and the facts, I seriously doubt that this administration would have certified Syria as fully cooperating in drug control. So not wanting to face the music, the administration did this behind-the-scene two-step instead. I hope the administration will reconsider, and I hope that my colleagues will join me in signing a letter to the President asking him to relook the issue.

I ask unanimous consent that a copy of that letter by myself from this body and Congressman J.C. WATTS, who is leading the effort in the House of Representatives, be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, November 13, 1997.

THE PRESIDENT OF THE UNITED STATES,
Executive Office of the President, The White House, Washington, DC.

DEAR MR. PRESIDENT: We note with concern that you have not included Syria and Lebanon on the annual Majors List sent to the Congress. By this act, you have, in effect, certified Syria as fully cooperating on drug control issues. The arguments advanced in your transmittal letter to Congress, however, seems to be based on assumptions supported neither in the relevant law or by the facts. Even should the facts justify the decision to ultimately certify Syria and Lebanon, however, we are also concerned about the method by which this momentous decision was reached. This change in policy and approach was not discussed with Congress nor was there an effort made to establish the justifications for this action. Instead, the decision was made in a most indirect way at the end of the Congressional year, thus precluding debate or public discussion of the issues.

For these reasons, we hope that you will reconsider the decision to place Syria and Lebanon on the Majors List. That change will then provide the Administration, Congress, and the public the opportunity to discuss the merits of this decision publicly, with ample time to reflect on the justifications for such a decision.

Sincerely,

CHARLES E. GRASSLEY.
J.C. WATTS.

NEED FOR HIGHEST STANDARDS FOR INSPECTORS GENERAL

Mr. GRASSLEY. Mr. President, I spoke a week ago about the necessity of the inspector general of the Treasury Department to resign. I want to continue that discussion, because she has not done that yet.

Next year is going to mark the 20th anniversary of the Inspector General Act of 1978. In my experience, inspectors general are an important function of our system of checks and balances. Whereas committees of Congress may not have the time or inclination to perform rigorous oversight, which happens to be our constitutional responsibility, the inspectors general offices are there full time with nothing else to do.

I have worked very closely with many IG's. For the most part, they are good at what they do. The IG Act has been a tremendous success. Hundreds of billions of dollars have been saved by inspectors general.

At the same time, rarely has the IG's integrity been called into question. That is, at least until now, Mr. President. The integrity of the inspector general of the Treasury Department, Valerie Lau, has been called into question.

The Permanent Subcommittee on Investigations, chaired by Senator SUSAN COLLINS, held 2 days of hearings just last month. The subcommittee found that the IG broke the law twice and violated the standards of ethical conduct. These violations involved the letting of two sole-source contracts, one to a long-time associate of hers. In addition, her office improperly opened a criminal investigation on two Secret Service agents. In that matter, at least one key document was destroyed—just plain destroyed. And that indicated a coverup.

Furthermore, the inspector general provided false information to Congress. And that is a no-no for anybody, but particularly for somebody charged with looking out to see that laws are faithfully enforced and that money is properly spent. Of all people in the bureaucracy, the inspector general should be most careful.

The irony in all of this is, the IG is supposed to stop this kind of activity, not commit it. Yet that is what Valerie Lau did.

Mr. President, the charge that IG Lau violated these legal and ethical standards is not conjecture. It is not someone's opinion or judgment. They are simple facts—concrete facts. They are findings. They are findings of a subcommittee of the Congress of the United States. They are found in conjunction with the independent and nonpartisan General Accounting Office.

Bad enough that these violations occurred by a watchdog, a watchdog whose job it is to deter such actions, but this IG's reaction is even more troubling. She agreed that they were technical violations of law, but she thinks that her actions were justified.

The Treasury IG is one of the most important of all inspector general positions. Perhaps it is the most important. The Treasury IG oversees 300 employees, many of whom are law enforcement officers.

How in the world can we allow an IG who violated the law twice and who is in denial about committing the violations to continue to perform the important functions of inspector general? How can the public, how can the Congress, how can even her own employees have confidence that she knows the difference between what is and what is not the law?

Her responsibility is to catch those who break the law. That is what an inspector general is supposed to be doing. How can she do that given her own actions and her responses to the findings of the General Accounting Office?

Ten days ago, Mr. President, immediately after Senator COLLINS' hearings, I called, as I said previously today, for Inspector General Lau's resignation, citing all these aforementioned violations. I cited the need for the IGs to be beyond reproach, to have the highest standards of integrity and credibility and conduct. The public's trust and confidence in this inspector general has without a doubt been undermined.

Today, I renew my call for her resignation. If the Treasury IG does not

get it, does not get that she should step down, the Treasury Secretary should. The President should as well. The Treasury Secretary has a responsibility, under this law, to generally supervise the IG. However, only Presidents can fire inspectors general. In my view, that means that Secretary Rubin is obliged to review the record and to make a recommendation to the President. The President would be obliged to take action and notify Congress of his action and why he took it. It should be done swiftly. As long as this IG remains in office, her troops remain demoralized and the IG's important work will be neutered.

There has been a lot of talk around Washington that recent IG hires have lacked experience and background. That is certainly the case with the Treasury inspector general.

I went back and reviewed the record of her confirmation. Her hearing lasted nearly 5 minutes. She was asked just one question—whether her mother was present in the audience. To follow up, questions were then asked of her mother. That ended the confirmation process.

For the record, I want to make it clear that I am a member of the committee, the Finance Committee, that conducted the confirmation hearing. I did not attend the hearing, but I submitted an extensive list of questions for the record. And I received responses. They are part of the permanent record.

As a result, I feel some obligation that I did not do more to question Inspector General Lau's credentials and experience at the time. I guess that is because you like to give the President's nominee the benefit of the doubt. I guess I learned the hard way that for the position of inspector general, questioning one's experience and qualifications obviously is paramount.

I intend to be more aggressive on that score in the future. The Inspector Generals Act requires that the IG have ''demonstrated ability.'' That is in the law, the words ''demonstrated ability.'' And it is in the law not once, not twice, but seven different areas of the law.

Here is what the IG Act of 1978 says:

> There shall be at the head of each office an inspector general who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

Ms. Lau would attempt to claim a demonstrated ability in accounting and auditing. She is a CPA and has been a Government auditor and evaluator. But in this area of auditing, she had reached only a GS–13 level. She managed only three employees, according to her deposition. And there was a 5-year gap between this experience and when she was finally confirmed by the U.S. Senate.

How does that translate into becoming the head of a 300-employee operation that conducts huge, complex audits and even criminal investigations?

What is clear is that Ms. Lau began the process of getting placed within this administration through the Democratic National Committee. Were the political connections enough to get the job? I hope that is not the case. We should have higher standards than that for the job of inspector general, which is a very important job.

Reflecting back on the statute, the inspector general was not qualified in the first place. Once in office, she undermines her own integrity and credibility. She no longer has the moral authority needed to lead that office. To me, it is an open and shut case. Verdict: Time for new leadership.

That brings me to my final point. This body would do well in the future to watchdog the watchdogs. And the inspectors general are watchdogs within each department, both before confirmation and during their tenure, I might say. I, for one, intend to increase my own vigilance of the IG community, as well as the experience and background of nominees.

For starters, there is the IG's peers—called the President's Commission on Integrity and Efficiency.

The PCIE, as I will call it for short, was established to conduct peer review and investigate allegations of wrongdoing by the IG. It is comprised of other IG's and is overseen by the Office of Management and Budget. It is also known as a do-nothing organization. IG's have rarely, if ever, been disciplined for wrongdoing by this organization.

Last April, I forwarded the allegations against Inspector General Lau to the PCIE. The issues involving the illegal contracts that she let were sent to the PCIE, by the PCIE to the Public Integrity Section of the Justice Department. The allegations involving her improper opening of a criminal case against two Secret Service agents was sent to the independent counsel.

Because of the long process PCIE has, which takes up to 6 months, Senator COLLINS and her staff decided to act swiftly and dig out all the facts without the usual bureaucratic delay. Meanwhile, by July, the PCIE shut down its entire involvement in this matter of Inspector General Lau.

Now that Senator COLLINS' investigation is over, and the findings are on the table, now is the time for decisive action. Instead, and in very typical fashion, here is what is going on.

Even though only the President can fire the IG, the White House is saying it is up to the Treasury Department to act. The Treasury Department, which must, according to law, generally supervise the IG, says it is up to the PCIE to act. The problem is, the PCIE does not act. Besides, they washed their hands of this matter way back in July. The only possible PCIE involvement at this point would be to drag out any decision. That is because the PCIE process takes 6 bureaucratically long months.

What is going on here, Mr. President? Where is the decisionmaking? Where is the leadership? Where is the sense of outrage from an administration that says it will tolerate nothing but the highest standards? This issue demands action, not finger pointing. The longer it takes, the more we undermine the public's trust and confidence in this administration and in our Government generally.

RECIPROCAL TRADE AGREEMENTS ACT OF 1997

Mr. GRASSLEY. Mr. President, on another matter, I want to speak for a minute on the failure of fast-track trade negotiating authority for the President of the United States and the action of the House of Representatives this past weekend.

Last week, the Senate voted by a margin of 68 to 31 to proceed to debate on the fast-track bill. I believe without a doubt it would have passed here and would have been passed by a very huge bipartisan margin. But the leadership in the House decided not to bring the bill to a vote and risk a defeat on such an important issue for our Nation. The leadership of the House decided that on the advice of the President of the United States because he could not deliver even 20 percent of the Democrat vote, the vote of his own party, in the other body.

Unfortunately, the result is the same. The President of the United States still does not have the negotiating authority that every other President since Gerald Ford has had. How ironic that the Democratic-controlled Congresses in the past granted fast-track authority to a Republican President—such as Gerald Ford, Ronald Reagan, and George Bush—and yet Democrats in this Congress refuse to give the President, a President from their own party, the same authority. Who would have thought that the President could not convince one-fifth of his own party to vote with him on such an important issue? This was a big win for leaders of labor unions in Washington. They proved that they have more influence with Democrats in the House of Representatives than the President of the United States does. But it was not a win for the rank and file union members, the workers who manufacture the products or perform the services that would be exported throughout the world.

It was not a win for the farmers of America either who increasingly depend on foreign markets for a big share of their income. It was a big loss for working men and women of this country.

I know some may question my qualifications for drawing these conclusions. You might say, how can a Republican Senator substitute his judgment for that of labor leaders? So I would like to read a few quotes from a Washington Post editorial of November 11.

As you know, Mr. President, the Washington Post has often taken the

side of labor against Republican policies. So I believe they might have some credibility on this issue, as well.

Labor opposed fast track because they believe that liberalized trade leads to American companies relocating to other countries and American workers losing their jobs to imports. They also argued that fast track was flawed because it didn't give the President authority to force other countries to adopt our labor and environmental standards.

The Washington Post, for one, believes that the lack of fast-track authority actually makes it more likely that Americans will lose their jobs. The Washington Post says that the President, not having negotiating authority, makes it more likely that American workers will lose their jobs.

> . . . while fast track's defeat may be good news for a few unions . . . it certainly doesn't help the vast majority of American workers. With the President less able to knock down trade barriers overseas, U.S. manufacturing firms will have more, not less, incentive to relocate, to get footholds, inside closed markets.

That bears repeating, Mr. President. Without fast track, companies have more incentive to relocate. That's because high trade barriers may prohibit U.S. companies from exporting to a foreign market. In order to sell in that area the company would actually relocate there.

Why would we want a trade policy in this country that would make an American company go to some other country to make a product to sell in that country, when if you reduce the barriers in that other country through these negotiations, that company could stay in America and export to that country and become competitive?

Just within the last 2 weeks, I had a CEO of a major corporation in Des Moines, IA, our capital city, who said if the President doesn't get this authority and the barrier to Chile reduced through trade or through trade negotiations, then he was going to have to move there to build to do the business in South America that he wants to do.

The United States has one of the most open economies in the world. Our average tariff is just 2.8 percent. Many other countries have virtually closed markets. According to the World Bank, for instance, China's average tariff is 23 percent; Thailand, 26 percent; the Philippines, 19 percent; Peru, 15 percent; Chile, a flat 11 percent tariff.

It can be difficult for American companies to export to a country like China that places a 23-percent tariff on our goods. The tariff prices our goods out of the market. One alternative for these companies is to actually move their plants to China and avoid paying that tariff.

The preferred alternative, Mr. President, and the one that is going to benefit American workers and, hence, benefit the entire economy, because American workers are very productive, is obviously to negotiate with China to lower tariffs, bring their tariffs down to our level. Then the companies can stay here, employ American workers and export their goods to China.

But we can't negotiate these tariffs down without the President fast-track authority. That is why fast track is so important. It leads to lower tariffs in foreign countries. Most importantly, it leads to the preservation of American jobs.

Fast track also leads to the creation of new jobs. Exports already support 11 million jobs in this country. Each additional $1 billion of sales of services or manufactured products creates between 15,000 and 20,000 new jobs. These jobs pay 15 percent to 20 percent higher than non-export-related jobs. In Iowa, companies that export provide their employees 32 percent greater benefits than nonexporting companies.

All of this is in jeopardy without our passing a bill giving the President the authority to negotiate. As the Washington Post puts it, ''[w]ith exports growing more slowly, or not at all, fewer new jobs will be created.'' So the failure of fast track hurts the workers of this country.

Mr. President, the editorial has one final comment on labor's concerns with worker standards in other countries. ''Less trade certainly won't improve the standards of overseas workers, for whose welfare many Democrats claimed concern. And with the United States Government hamstrung, Japan, the European Union and developing countries will have a greater influence in shaping world trade policies. How hard do you think they'll push for improved labor and environmental standards?''

Mr. President, I don't often say that the Washington Post is right. Economic stability and prosperity are the only proven means of increasing labor and environmental standards. The United States, due to our affluence, has the luxury of imposing high labor and environmental standards. Other countries don't yet have this ability. But increased trade will bring this economic stability, and it will lead to higher labor and environmental standards in other countries as well.

Cutting off trade, or failing to pass this legislation, reduces our influence in these other countries and it increases the influence of countries such as Japan and the European Union. Can we trust Japan and the European Union to advance America's interests in world trading negotiations? The Washington Post correctly assumed that we cannot. Only the President of the United States, and the Congress working in conjunction with him, because that is what this legislation can do, can advance our interests and protect our interests. Only we can influence other countries to improve their environment and labor standards, to improve human rights, and to embrace democracy through the process of international trade that brings people together rather than keeping people apart.

That is what I am most concerned about. The failure of fast track leaves a vacuum of leadership in international issues. Up until now, this vacuum had been filled by the United States. Ever since World War II, to some extent going back to the Reciprocity Act of the 1930's, since 1934, the United States has led the world in reducing barriers to trade, and we have benefited greatly from this leadership.

American workers are the most productive, highest paid workers in the world. American companies produce the highest quality products. And American consumers have more choices of goods and pay less of their income on necessities such as food than consumers in any other country. These are the benefits that we have enjoyed because we have been willing to lead on trade.

I'm afraid that our leadership may now be questioned by our trading partners after last weekend's events. These countries are going to move on without us. They are going to continue to form regional and bilateral trading arrangements that won't include the United States. The United States won't be at the table to protect our interests. And the losers in all of this will be the American workers, the loss of jobs, and the consumers won't have the benefit that they now have.

Mr. President, I hope we can return next year and we can have a rational debate about what trade means to this country—because somehow that has been lost in the process—and how important it is for the President of the United States to have fast track authority, to be the living representation of America's moral leadership, to lead in free and fair trade, which we have done for 40 or 50 years.

We have already lost 3 full years without this legislation and the opportunity to lead; 20 agreements we have missed out on. We cannot afford to wait any longer.

I ask that the Washington Post editorial be printed in the RECORD.

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

[From the Washington Post, Nov. 11, 1997]

THE FAST-TRACK LOSS

Trade liberalization benefits most people, but it also invariably hurts a few. Those who are helped—as goods become cheaper, as standards of living rise, as exports grow—often don't attribute their good fortune to rising trade, which is after all only one component of a complex economy. Those who have lost their jobs or believe they have lost their jobs to overseas competition, on the other hand, don't hesitate to affix blame. In the political process, the losers and potential losers naturally lobby vociferously; the winners, a larger but more diffuse group, don't. To rise above the special interests of the losers (while taking into consideration their legitimate needs) and vote in the overall interest of society is what we should expect of our politicians—it has something to do with statesmanship. And until now, every Congress since President Ford's time has managed to do just that. But this Congress, in failing early Monday morning to approve

trade-negotiating authority for President Clinton, did the opposite—it caved in to the special pleaders. Washington insiders will measure the defeat in its impact on Mr. Clinton—whether it spells the beginning of his lame-duckhood, and all the rest. But the more serious damage is to U.S. economic leadership—America's ability to help shape the global rule book—and, potentially, to global economic prosperity.

The post mortems will find no shortage of culprits. Mr. Clinton overpromised on NAFTA and underdelivered on the promises he made to Congress to win NAI approval. He waited too long to push for renewed negotiating authority—known as ''fast track,'' because it allows him to negotiate treaties that Congress can reject but not amend—and then don't even have legislation ready when he finally, this fall, began the campaign for what he called his most important legislative priority. More broadly, his inconstancy over the years left many members of Congress unwilling to put faith in his promises and assurances. Businesses, which generally support free trade, jumped into the fight too late and too half-heartedly. And 25 Republicans congressmen who could have provided the margin of victory but who withheld their backing in a failed effort to extort support from Mr. Clinton for an unrelated (and unjustified) proposal to gut America's family-planning assistance overseas, also bear responsibility.

But of course the lion's share of blame—or credit, as they would have it—goes to Mr. Clinton's fellow Democrats and their backers in organized labor. In the end, fewer than 45 of 205 House Democrats were ready to stand by their president. In part, this reflects the growing importance of union contributions to political campaigns. Since the Democrats lost control of the House, businesses have shifted their giving heavily to Republicans; total Democratic receipts from political action committees have gone down, and the union share has gone up—to 46 percent in 1996.

Of course, most Democrats said they were voting on the merits, not the dollars. But while fast track's defeat may be good news for a few unions, such as in the textile trades—though even that is arguable—it certainly doesn't help the majority of American workers. With the president less able to knock down trade barriers overseas, U.S. manufacturing firms will have more, no less, incentive to relocate, to get footholds inside closed markets. With exports growing more slowly, or not at all, fewer new jobs will be created. Less trade certainly won't help improve the standards of overseas workers, for whose welfare many Democrats claimed concern. And with U.S. government hamstrung Japan, the European Union and developing countries will have a greater influence in shaping world trade policies. How hard do you think they'll push for improved labor and environments standards?

Mr. Clinton yesterday withdrew his proposal before it could go down to defeat, and he said he intends to try again in this Congress. The signs are not auspicious, but you never know. Maybe next time the greater good will prevail.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

CONFERENCE REPORT ON COMMERCE, STATE, JUSTICE APPROPRIATIONS

Mr. LAUTENBERG. Mr. President, I want to discuss the report pending that should come over from the House of Representatives in the next while on the appropriations bill that relates to the Commerce, State, Justice Departments. And part of what is in this report that we expect to see relates to the importation of surplus military weapons that were manufactured in the United States and, many years ago, were sent abroad as part of our military assistance program.

Now, although there was initially no bill or report language on the issue in either the House or the Senate bills before conference, the issue has nevertheless consumed an enormous amount of time over the past few weeks, and it has generated some significant controversy. I have had a deep interest in this subject because I believe that when we load this society of ours up with more guns, we ought to know why we are doing it.

It has been the policy of three administrations—Reagan, Bush, and now the current Clinton administration—to ban foreign governments from exporting to our shores and selling these American-made military weapons that we gave or sold them at sharp discounts to help us fight common enemies, and sell these weapons to the U.S. commercial markets.

Nonetheless, the National Rifle Association and the gun importers supported an attempt—in the dark of night, I point out—to slip a provision into the conference agreement on this bill to overturn this longstanding policy and allow military weapons made for military use to flood America's streets.

The administration strongly opposed this attempt. In fact, the President's senior advisers, at one point, said they would recommend that the President veto the bill—this important bill—to finance our Justice Department, our State Department, and our Commerce Department—if it included an amendment to allow foreign governments to export large quantities of military weapons for commercial sale in America's cities and towns. They don't restrict whose hands these fall into.

I ask unanimous consent that a copy of the letter from the OMB director, Franklin Raines, on this issue be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, November 6, 1997.

Hon. FRANK LAUTENBERG,
Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: The Administration strongly objects to the inclusion of any provision in the FY 1998 Commerce, Justice and State Appropriations Conference Report to allow for the importation of surplus military weapons. We have repeatedly opposed such provisions, and the President's senior advisers would recommend that he veto the bill if it includes language that would allow large quantities of surplus military weapons to be imported.

The Administration finds it unacceptable that—in the same appropriations bill that funds the nation's law enforcement priorities, such as putting more police on our streets—the Committee is considering language that could flood our streets with millions of military surplus weapons. These weapons, including M–1 Garands and M–1911 .45 caliber pistols, were designed for military purposes and provided to foreign governments as a form of military aid. Moreover, hundreds of these guns have already been recovered by law enforcement officers throughout the United States. Opening the door to more of these weapons would only serve to further undermine public safety.

We strongly urge the Committee to reject this provision.

Sincerely,

FRANKLIN D. RAINES,
Director.

Mr. LAUTENBERG. The Washington Post and the New York Times also editorialized against this dark-of-night assault just this past week.

I ask unanimous consent that the text of these and previous editorials be printed in the RECORD.

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

[From the Washington Post, Nov. 12, 1997]

HILL ALERT: A BAD OLD GUN BILL

We're down to the dangerous mad-dash time in Congress when truly bad ideas can sneak into law—and today the gun lobbyists are poised with a flood-the-market firearms scheme disguised as an innocent ''curios and relics'' proposal. Once again, certain members of Congress who are semiautomatic hawkers of the National Rifle Association's line, linked with lobbyists for gun importers, are seeking to slip language into an appropriations bill that would allow an arsenal of some 2.5 million weapons from abroad to go on the U.S. market.

This stockpile has made the rounds globally: The weapons were originally paid for by U.S. taxpayers. Then as U.S. Army surplus the firearms were given or sold to foreign governments years ago. But they are more than quaint relics for the walls of collectors; many of these firearms can be converted easily into illegal automatic weapons for domestic crimes such as holdups, assaults and murder. The weapons could pile into the U.S. market from supplies in the Philippines, Morocco, India, Turkey, Vietnam, Iran, and other countries. Estimated value of these deadly weapons on legal or illegal markets? Approximately $1 billion.

It has been for the safety of the public that the Reagan, Bush and Clinton administrations all enforced a policy of keeping such overseas stockpiles out of the country and thus off the streets. Letting them in would

risk driving down the price of firearms generally and making weapons more easily obtainable by street criminals.

Law enforcement officials around the country warn that there has been an increased use of these weapons against police officers. More than 1,800 M1 rifles and M1911 pistols were traced to crime scenes in 1995–96 and in 1997, about 1,000 more have been traced. According to the Bureau of Alcohol, Tobacco and Firearms, 13 law enforcement officers have been killed by M1 rifles or M1911 pistols since 1990.

Clinton administration officials have advised Sen. Frank Lautenberg and others seeking to block the gun-lobby scheme that senior advisers would recommend a veto if this proposal comes to the president's desk. But it shouldn't come to that, just as it shouldn't be slipped into any appropriations bill at the eleventh hour of a congressional session. The provision should be removed and if not, rejected.

[From the New York Times, Nov. 12, 1997]

AVOIDING ADJOURNMENT BLUNDERS

The final hours before Congress takes a long recess are usually dangerous. It is a time when bad riders are attached to blameless appropriations bills, and complex legislation is denied the measured debate it deserves. With these cautionary notes, we urge Congress to avoid the following pitfalls as it stumbles toward the door.

National Forests. The so-called ''Quincy Library Group'' bill passed the House with only one dissenting vote and now awaits action on the Senate floor. The Senate should delay and use its vacation to rethink a measure that was marketed to the House under false pretenses.

The bill would require at least 40,000 acres of logging each year in a 2.5-million-acre stretch of national forest in California's Sierra Nevada. It was advertised as an experimental fire-control program and touted as a consensus measure devised by local and timber industry officials who met at the Quincy, Calif., town library in 1993. Yet this is not a pilot program—it would double logging in the area and threaten valuable watersheds. Further, the Forest Service, by law the custodian of the national forests, had no real input. This bill sets bad precedents and requires major revisions.

Family Planning. Both the House and Senate have attached to their foreign aid appropriations bill a provision that would deny Federal funds to any overseas family planning organization that performs abortions or lobbies to change foreign abortion laws—even though the groups in question use their own money to further objectives. President Clinton does not like this provision. Congress could avoid a nasty veto fight by removing the objectionable language in conference.

Gun Control. Some House members want to attach to an appropriations bill a dangerous amendment that would allow the importation of some two million surplus military rifles and handguns from countries that originally got them as a form of military assistance. The N.R.A. and its supporters—including dealers who would buy and re-sell the weapons—say they are merely relics. But they can still kill people. This attempt to overturn current law, which bans such imports, deserves a crushing defeat.

Congress could more profitably use its final hours to rectify an oversight. It granted itself a modest 2.3 percent pay raise last month but failed to award the same increase to Federal judges, whose pay is linked to Congressional pay. The remedy is to attach an amendment to one of the appropriations bills granting the raise. That is one last-minute rider we would applaud.

[From the New York Times, Sept. 9, 1997]

THE SURPLUS GUN INVASION

Gun dealers, with the enthusiastic support of the National Rifle Association, are once again trying to sneak through Congress a measure that could put 2.5 million more rifles and pistols onto American streets and provide a handsome subsidy for weapons importers and a few foreign governments. This bill, introduced with disgraceful stealth, should be pounced on by the Clinton Administration and all in Congress who are concerned about crime.

The bill is an amendment to the Treasury Department's appropriation, which may come to a vote in the House this week. It would allow countries that received American military surplus M–1 rifles, M–1 carbines and M1911 pistols to sell them to weapons dealers in the United States. The countries—allies and former allies such as the Philippines, South Korea, Iran and Turkey—got the guns free or at a discount or simply kept them after World War II, or the Korean and Vietnam wars. Current law requires them to pay the Pentagon if they sell the guns and bars Americans from importing them. The new bill would change both provisions.

The N.R.A. argues that the guns are merely relics. But they are not too old to kill. In 1995 and 1996 the Bureau of Alcohol, Tobacco and Firearms traced these models to more than 1,800 crime sites. Senator Frank Lautenberg, the bill's main opponent, says these guns have killed at least 10 police officers since 1990. M–1 carbines can be converted to automatic firing, and all the M–1's are easily converted into illegal assault weapons.

Republicans attached a similar bill to an emergency spending measure last year but took it out under pressure from the White House. President Clinton should threaten to veto the Treasury appropriation if the measure remains.

[From the Washington Post, Aug. 4, 1997]

SURPLUS WEAPONS, SURPLUS DANGER

Gun sales are flat, so the nation's gun importers are looking to shake up the market. Once again they want permission to bring into the country an arsenal of as many as 2.5 million U.S. Army surplus weapons that were given or sold to foreign governments decades ago.

The industry classifies the guns as obsolete ''curios and relics'' of interest mostly to collectors and sports shooters. But they're not talking about a gentleman officer's pearl-handled revolvers. These are soldiers' M1 Garand rifles, M1 carbines and .45-caliber M1911 pistols; some can be converted to automatic or illegal assault weapons with parts that cost as little as $100. For public safety reasons, the Pentagon declines to transfer such surplus to commercial gun vendors, which is why the Clinton, Bush and Reagan administrations have enforced a policy of keeping the overseas weapons out.

This week, the gun importers, cheered on by the National Rifle Association, quietly persuaded a House appropriations panel to approve language to prevent the State, Justice and Treasury departments from denying the importers' applications. It's a slap at the country's efforts to reduce gun violence.

To introduce a flood of these historical weapons is to risk driving down the price of firearms and putting more within the reach of street criminals. It isn't simply gun-control groups but the Bureau of Alcohol, Tobacco and Firearms that warns of an increased use of these kinds of weapons against police around the country. In 1995–96 alone, 304 U.S. military surplus M1 rifles and 99 surplus pistols were traced to crime scenes. At least nine law enforcement officers have been killed by M1 rifles or M1911 pistols since 1990, according to Sen. Frank Lautenberg (D–N.J.), who has introduced legislation to cement the import ban in law by reconciling some contradictory statutes.

The State Department says that weapons transfers—even for outdated guns—should remain an executive branch prerogative to be handled country by country. Why should the governments of Turkey, Italy or Pakistan collect a windfall from U.S. gun importers when the products they are trading originally were supplied by the U.S. government? Why should Vietnam and Iran be allowed to earn currency from U.S.-made weaponry they took as ''spoils of war.'' President Clinton last year headed off a similar effort to allow in the surplus weapons and should be counted on to do so again.

GUNS—AND THE M–1 BOOMERANG

The people who bring you America's Gross National Arsenal—the weapons-pushers who keep the firearms flowing to the streets of neighborhoods near you—are poised to go global with sales of weapons that you already bought with your taxes years ago. The U.S. gun industry hopes to make a fortune by importing millions of M–1 Garand rifles, M–1 carbines and .45-caliber M1911 pistols—surplus American military firearms that the Pentagon originally gave away or sold at a discount to various countries over the years. Many of these weapons are especially handy because they can be converted easily into (illegal) automatic weapons for domestic uses such as committing crimes and killing people.

That's not how this deadly deal is characterized by the industry, of course, or by John Sununu, former chief of staff under President Bush, or others working with the gun industry who are pushing the import plan in Congress. These groups prefer to talk about the weapons that would go to collectors and describe the legislation they keep trying to slip quietly through Congress as a harmless move to offer a new supply of ''curio and relic'' guns for collectors and other souvenir-seekers.

But as reported by Post staff writer John Mintz this week, the firearms would be coming back to the United States from supplies in the Philippines, Morocco, India, Turkey and other countries. Gun industry lobbyists helped persuade Sen. Ted Stevens of Alaska to introduce measure allowing the weapons into the country—and specifically forbidding federal officials from blocking their entry. In July, with no debate, Sen. Stevens got the provisions slipped into the appropriations continuing resolution; it wasn't until the White House objected that the provision was removed. Now, the senator's office and industry representative say they hope to get the provision enacted soon.

Backers of the plan argue that the weapons at issue are obsolete and pose no threat to anyone. It's true that the M–1 rifle is bulky and not a great item for street crimes. But the M–1 carbine and the pistols are another lethal matter. The carbine can be converted easily to automatic fire. The concern is not with single sales to individual collectors but with supplies getting into the wrong hands. Legislation to allow imports only of rifles that are, say, World War II vintage or earlier could serve the collector market. But Congress should consider any such proposal carefully—and openly, with hearings—instead of blessing a new domestic flood of weapons designed for war.

Mr. LAUTENBERG. Finally, a coalition of 50 organizations including Handgun Control, the Violence Policy Center, and the Coalition to Stop Gun

Violence, opposed this effort to overturn the policy of three administrations on this issue.

I ask unanimous consent to have printed in the RECORD a copy of their letter on the issue.

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

SEPTEMBER 8, 1997.

DEAR REPRESENTATIVE: In late-July, during mark-up of the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill, the Appropriations Committee accepted an amendment that would allow foreign governments to export to the United States for commercial sale, millions of military weapons the United States previously made available to foreign countries through military assistance programs.

For a range of public health and safety, national security, and taxpayer reasons, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Supporters of this amendment describe it as an innocuous measure which simply allows the importation of some obsolete ''curios and relics.'' In reality, the amendment would allow the import of an estimated 2.5 million weapons of war, including 1.2 million M1 carbines. The M1 carbine is a semi-automatic weapon that can be easily converted into automatic fire equipped with a 15-30 round detachable magazine.

This is a Public Safety Issue: Although the backers of the provision claim that these World War II era weapons are now harmless ''curios and relics'', in reality they remain deadly assault weapons. According to the Bureau of Alcohol, Tobacco, and Firearms, the M1 Carbine can be easily converted into a fully-automatic assault rifle. For this reason, the Department of Defense has refused to sell its surplus stocks of these weapons to civilian gun dealers and collectors in the United States.

According to Raymond W. Kelley, the Treasury Department's Under-Secretary for Enforcement, the inflow of these weapons will drive down the price of similar weapons, making them more accessible to criminals. Already, during 1995–1996, ATF has traced 1,172 M1911 pistols and 639 M1 rifles to crimes committed in the United States.

This is a Government Oversight Concern: Nearly 2.5 million of these weapons were given or sold as ''security assistance'' to allied governments. Under United States law, recipients of American arms and military aid must obtain permission from the United States government before re-transferring those arms to third parties. Setting a dangerous precedent, this amendment fundamentally undercuts the ability of the United States government to exercise its right of refusal on retransfer of United States arms.

The Reagan, Bush, and Clinton Administrations have all barred imports of these military weapons by the American public. The Appropriations bill explicitly overrides this policy, prohibiting the government from denying applications for the importation of ''U.S. origin ammunition and curio or relic firearms and parts.'' In effect, the provision would force the Administration to allow thousands of M1 assault rifles and M1911 pistols into circulation with the civilian population, thereby not only threatening public safety but also undermining governmental oversight and taxpayer accountability.

STOP THE IMPORT OF MILITARY WEAPONS

This is Also a Taxpayer Concern: The amendment also presents a windfall of millions of dollars to foreign governments and United States gun dealers. The amendment effectively terminates a requirement that allies reimburse the United States treasury if they sell United States-supplied weapons. According to ATF, each M1 Carbine, M1 Garand rifle, and M1911 pistol currently sells for about $300–500 in the United States market. The South Korean, Turkish, and Pakistani governments and militaries stand to make millions from the resale of these weapons. South Korea has 1.3 million M1 Garands and Carbines, while the Turkish military and police have 136,000 M1 Garands and 50,000 M1911 pistols. These weapons were originally given free, or sold at highly subsidized rates, or retrieved as ''spoils of war.'' The United States Department of Defense does not sell these lethal weapons on the commercial market for profit. Why should we allow foreign governments to do so?

Again, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Thank you.

American College of Physicians, American Friends Service Committee, James Matlack, Director, Washington Office; American Jewish Congress, David A. Harris, Director, Washington Office; American Public Health Association, Mohammad Akhter, M.D., Executive Director; Americans for Democratic Action, Amy Isaacs, National Director; British American Security Information Council, Dan Plesch, Director; Ceasefire New Jersey, Bryan Miller, Executive Director; Children's Defense Fund; Church of the Brethren, Washington Office, Heather Nolen, Coordinator; Church Women United, Ann Delorey, Legislative Director.

Coalition to Stop Gun Violence, Michael K. Beard, President; Community Healthcare Association of New York State, Ina Labiner, Executive Director; Concerned Citizens of Bensonhurst, Inc., Adeline Michaels, President; Connecticut Coalition Against Gun Violence, Sue McCalley, Executive Director; Demilitarization for Democracy; Episcopal Peace Fellowship, Mary H. Miller, Executive Secretary; Federation of American Scientists, Jeremy J. Stone, President; Friends Committee on National Legislation, Edward (Ned) W. Stowe, Legislative Secretary; General Federation of Women's Clubs, Laurie Cooper, GFWC Legislative Director; Handgun Control, Inc., Sarah Brady, Chair; Independent Action, Ralph Santora, Political Director; Iowans for the Prevention of Gun Violence, John Johnson, State Coordinator; Legal Community Against Violence, Barrie Becker, Executive Director; Lutheran Office for Government Affairs, ELCA, The Rev. Russ Siler; Mennonite Central Committee, Washington Office, J. Daryl Byler, Director; National Association of Children's Hospitals and Related Institutions, Stacy Collins, Associate Director, Child Health Improvement; National Association of Secondary School Principals, Stephen R. Yurek, General Counsel.

National Black Police Association, Ronald E. Hampton, Executive Director; National Coalition Against Domestic Violence, Rita Smith, Executive Director; National Commission for Economic Conversion and Disarmament, Miriam Pemberton, Director; National Council of the Churches of Christ in the U.S., Albert M. Pennybacker, Director, Washington Office; National League of Cities; New Hampshire Ceasefire, Alex Herlihy, Co-Chair; New Yorkers Against Gun Violence, Barbara Hohlt, Chair; Orange County Citizens for the Prevention of Gun Violence, Mary Leigh Blek, Chair; Peace Action, Gordon S. Clark, Executive Director; Pennyslvanians Against Handgun Violence, Daniel J. Siegel, President; Physicians for Social Responsibility, Robert K. Musil, PhD., Executive Director; Presbyterian Church (U.S.A.), Washington Office, Elenora Giddings Ivory, Director; Project on Government Oversight, Danielle Brian, Executive Director; Saferworld, Peter J. Davies, U.S. Representative; Texans Against Gun Violence—Houston, Dave Smith, President; Unitarian Universalist Association of Congregations, The Rev. Meg A. Riley, Director, Washington Office for Faith in Action; U.S. Conference of Mayors; Unitarian Universalist Service Committee, Richard S. Scobie, Executive Director; Virginians Against Hangun Violence, Alice Mountjoy, President; WAND (Women's Action for New Directions), Susan Shaer, Executive Director; Westside Crime Prevention Program, Marjorie Cohen, Executive Director; YWCA of the U.S.A., Prema Mathai-Davis, Chief Executive Officer; 20/20 Vision, Robin Caiola, Executive Director.

Mr. LAUTENBERG. Fortunately, Mr. President, the provision was not included in the conference agreement that the Senate will consider later this evening and these dangerous military weapons will not flood our streets. This is a huge victory for the American people.

Mr. President, the weapons at issue were granted or sold to foreign governments, often at a discount, through military assistance programs, and some were given to or left in foreign countries during wars. They are called curios or relics because they are considered by some to have historic value or are more than 50 years old.

One of them I carried in World War II when I was a soldier in Europe. It was an M–1 carbine. It may be a curiosity now or a relic. But I can tell you it was there to be used for my protecting myself or to kill the enemy. Fortunately, neither happened. But I carried it by my side when I served on the European Continent.

But they are not innocuous antiques or museum pieces. They remain deadly weapons.

Proponents of allowing the importation of these weapons argue that they are historic firearms that are not dangerous. In fact, the amendment would have flooded the market with millions of lethal killing weapons.

Under the amendment that was rejected, 2.5 million, semiautomatic military weapons—including the M–1 carbine, M–1 Garand, and M–1911 pistol—would have flooded the streets. The M–1 carbine can easily be converted into an illegal, fully automatic weapon.

These semiautomatic military weapons may be old, but they are lethal. Thirteen American police officers have recently been murdered with M–1's and M–1911's.

In New Jersey in 1995, Franklin Township Sgt. Lee Gonzalez was killed

by Robert ''Mudman'' Simon during a routine stop. Simon was a Warlocks motorcycle gang member. Simon, who had just committed a robbery, shot Gonzalez twice, once in the head and once in the neck, using an M–1911 semi-automatic pistol. That's the same weapon that would be imported under the rejected amendment.

In Texas in 1991, Pasadena police officer Jeff Ginn was killed with an M–1 carbine. He was responding to a call about smoke coming from a house in the neighborhood he was patrolling. Ginn found Marvin Harris holding a woman hostage in her own home. When he saw police officer Ginn, Harris shot him in the leg. Ginn hobbled to the front of the house, where he leaned up against a tree, begging not to be shot again. Harris murdered officer Ginn by shooting him in the temple and the abdomen with the M–1 carbine.

In New Hampshire—the home State of the distinguished chairman of the subcommittee, Senator JUDD GREGG, who knows only too well of the impact of the use of that weapon—Sgt. James Noyes of the New Hampshire State Police was killed in the line of duty with an M–1 carbine in 1994.

And there are many innocent civilians who have been threatened and murdered with these weapons as well. In 1995 and 1996, M–1's and M–1911 weapons were traced to more than 1,800 crimes nationwide. Already, nearly 1,000 crimes have been traced to these weapons in 1997.

Allowing the importation of large numbers of these killer weapons would undermine efforts to reduce gun violence in this country. And everybody would like to have that done. I can tell you. It doesn't matter what State or what kind of community—rural or urban. That is the biggest fear that people have; that is, that they will lose a loved one to a violent act, or someone will pick up a gun, or either randomly or directly shoot one of their children, brother, sister, mother or father.

This would also reduce the cost of weapons, because there would be a marketplace filled with 2.5 million—the maximum capacity for exportation—making them more accessible to criminals.

It would also provide a windfall for foreign governments at the expense of the U.S. taxpayer. The weapons were paid for by the American taxpayer and were provided to foreign governments through our assistance program. The market value of the 2.5 million that can be traced to foreign governments exceeds $1 billion.

That adds insult to injury.

Allowing millions of U.S.-origin military weapons to enter the United States would profit a limited number of arms importers and would not be in the overall interest of the American people. These weapons are not designed for hunting or for shooting competitions; they are designed for war. Foreign countries should not be permitted to sell these weapons on the commercial market for profit.

There is no doubt foreign governments would make a handsome profit from their sale in the commercial market. Consequently, countries that the United States assisted in times of need, such as South Korea and the Philippines, and even a country like Iran could make a profit out of these sales. Imagine permitting weapons to be imported into this country that would send dollars back to Iran. It is an outrage.

In lieu of approval of an amendment to import these weapons, the administration is being asked to provide a report on the curios or relics issue. The report will provide information about the quantity of applications and articles that have been approved for importation as well as an estimate of the number of firearms available for importation from overseas. It will also explain how an M–1 carbine can be converted into an illegal machinegun or assault weapon.

I have no problem asking the Government to prepare a report for the use of the House or the Senate. But I would like to make sure that this is a balanced report, that it doesn't simply list statistics. But I want to explain why it is important for the President and Secretary of State to retain their authority to retain control over firearms granted or sold by the Government exclusively for foreign military use and never intended for private use.

I would also encourage the administration when it submits a report to include information about applications in the Bush and Reagan administration as well. After all, this administration is upholding a policy that was first established by President Reagan and upheld by the Bush administration.

I believe the administration should include in the report a description of any law enforcement or grand jury investigations of alleged illegal conduct related to the importation of M–1 or M1911 firearms. A grand jury previously investigated one attempt to import these weapons by a company with a peculiar name called Blue Sky. There were serious allegations that the law was manipulated for personal gain, and the investigation ended when the lead witness mysteriously died in a plane crash. The American people have the right to understand what happened in this inquiry.

The report I believe also—this is an expansion on what is in the report requested of the administration. It is something I didn't agree with. But we are at a very late point in time when these bills have to be considered. So we have accepted this report against, frankly, my best judgment.

The report also should provide an analysis of the number and types of weapons that have been added to the curios or relics list since 1980, the process by which those weapons are added to the list, and the entities that have petitioned to have weapons added to the list. The American people have the right to understand more about the way military weapons are designated as curios and relics.

Finally, I believe it should include a comprehensive overview of the number of homicides and violent crimes committed against police officers and against civilians with M1's or M1911's, regardless of the manufacturer, or any other firearm on the curios or relics list. Though curios and relics may have some historical interest for collectors, many of these firearms remain of concern due to crime.

Mr. President, I am delighted that this effort to overturn U.S. policy behind closed doors in the dark of night was defeated. And just to clarify, for the information of those who might not understand our arcane way of operation, there is a bill, and in the bill there is a mandate that certain things be done. Report language is suggested on top of that bill but does not have the effect of law. That is what I am talking about here—this report language, not the bill itself.

I am delighted, again, that this effort to overturn U.S. policy behind closed doors was defeated. It would have been an insult to the American people to overturn a longstanding policy behind the closed doors of the Appropriations Committee.

I have introduced legislation, S. 723, to repeal a loophole in the Arms Export Control Act that could enable these weapons to enter the country under a future administration. I hope that my colleagues will support this bill.

In the meantime, Mr. President, this is a victory for the American taxpayer and a victory for all concerned about safety.

I hope we reject the notion that we ought to take back and pay for things that we gave away, or that we sold at sharp discounts.

I yield the floor.

Mr. CRAIG. Mr. President, I would like to respond to remarks made by the Senator from New Jersey, Senator LAUTENBERG, concerning the ''curio or relics'' U.S. origin historic firearms issue. I believe it's important for the Senate to be aware of this information in evaluating the actions taken today on the Commerce, Justice, State and Judiciary appropriations bill.

The amendment that the Senator from New Jersey refers to, which has been under consideration in both the fiscal year 1997 and fiscal year 1998 appropriations processes, is intended to correct a serious injustice in the way that our nation's firearms import laws are being administered. The amendment stops the Administration from ignoring Congress' intent that historic firearms be allowed to return to U.S. soil. Despite the fact the amendment was not added to the Commerce, Justice, and State spending bill, I am confident, based on the bipartisan support enjoyed by the amendment, that it will be passed in this Congress. A brief review of the history behind this issue is

in order. In 1984, Congress first enacted a statute, 18 U.S.C. 925(e), specifically permitting the importation of military surplus curio or relic imports. At the time of enactment, however, the statute only benefited foreign collectibles, since other acts interfered with U.S. origin curio or relics from returning to the United States.

In 1987, Congress remedied the inconsistency by enacting a provision for the importation of certain U.S. origin ammunition and curio or relic firearms and parts into the United States at 22 U.S.C. 2778(b)(1)(B). The Treasury Department issued implementation regulations after the passage of both laws. The Department of State, which in certain cases consults with the Treasury Department on firearms imports, frustrated the purpose of the 1988 law by refusing to consent to U.S. origin applications, ostensibly on the basis of foreign policy interests. The Department of State for years has frustrated the efforts of importers to bring historic curio or relic firearms into the United States.

In addition to fully assembled U.S. origin curio and relic firearms being denied entry into the United States, curio or relic U.S. origin military surplus parts and U.S. origin military surplus ammunition applications that used to be approved by ATF directly, are now being denied. Many hobbyists and collectors are being denied access to these historic arms. Many millions of dollars in business will now be lost on rifle parts sales and rifle ammunition, severely hurting an import industry that has already been very adversely affected by President Clinton's policies.

With regard to the criticism that has been leveled against the amendment, and these arms, several important facts are in order. First of all, this amendment was not inserted in any bill ''in the dark of night'', it was part of an open mark-up over a year ago in the Commerce, Justice, State Subcommittee in the Senate for the appropriations bill for fiscal year 1997, and this year, for fiscal year 1998, it was added on the House side in an open full committee mark-up on the Treasury, Postal Service appropriations bill. This is a well-known issue and one that has been widely publicized; in fact, Senator LAUTENBERG and other opponents of this provision have certainly ensured that it has been given attention.

I realize that opponents of this amendment have been using the media to sensationalize the subject and to scare the general public into believing that there is something nefarious about these fine old arms. However, allegations concerning or implying a special crime threat that ''curio or relic'' M1 Garands, M–1 Carbines and M–1911A1 pistols pose to police officers or innocent civilians is simply false. Similarly, allegations that Iran will profit from the sale of these firearms is also wrong. In addition, the characterization of what the Bureau of Alcohol, Tobacco and Firearms trace data indicates is misleading at best, as even ATF acknowledges that ATF gun trace data may not be used to make statistical assumptions about the use of firearms.

Here are just some of the basic facts about this matter:

First, ''curio or relics'' are defined as firearms which are of special interest to collectors, and are at least fifty years old, or are certified by a curator of a municipal, State or Federal museum to be curios or relics of museum interest, or have some rare, novel or bizarre characteristic because of their association with some historical figure, period or event. They are not the crime gun of choice for criminals.

Second, corrective language is needed to enforce existing import laws and regulations that already permit the importation of U.S. origin curio or relic firearms, parts and ammunition from non-proscribed nations (the Arms Export Control Act, Section 38, 22 U.S.C. 2778 and the Gun Control Act of 1968).

Third, the purpose of the Gun Control Act was to provide ''support to Federal, State and local law enforcement officials in their fight against crime and violence,'' but not to ''place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity.'' Additionally, the enactment of the Gun Control Act was ''not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes'' (i.e., such as gun collecting). The Administration's actions are completely contrary to legitimate collecting and hobby pursuits.

Fourth, these firearms and ammunition were initially supplied to friendly foreign governments by sale or gift to promote the foreign policy interests of the United States. The U.S., under the Foreign Assistance Act, can waive receipt of any proceeds derived from such a sale and request that the proceeds be set aside in a special account. In most cases, the U.S. does so for the purposes of letting the ally nation modernize its military equipment. Since the U.S. usually would have assisted such a nation anyway in some manner with the modernization of their military equipment, the allowance of keeping the sale proceeds actually represents a potential cost savings to the U.S. taxpayer.

Fifth, rifles, which constitute the vast majority of these guns, are not the alleged crime threat that opponents of this provision would like the American people to believe. In ATF's July, 1997 report entitled ''ATF, The Youth Crime Gun Interdiction Initiative, Crime Gun Trace Analysis Reports'' 8 out of 10 crime guns traced within a 10 month period in 1996/97 were handguns. Out of an average of the trace data that ATF compiled from 17 major cities across the United States, from July 1, 1997 through April 30, 1997, all rifles comprised only 7.98 percent of the total firearms traced to crimes. In fact, according to ATF's latest data concerning firearms traced to a crime scene'' in 1995, out of the 70,000 firearms traced to a crime scene, only .331 percent were U.S. origin firearms. In 1996, the percentage decreased: out of the 140,000 firearms traced to a crime scene, only .275 percent were U.S. origin firearms. In 1997, U.S. origin firearms constitute only .303 percent out of the total 200,000 firearms traced. In summary, these firearms are generally not attractive to criminals. They are expensive, heavy, cumbersome and not easily concealable.

Sixth, Senator LAUTENBERG's figure of 2.5 million U.S. origin ''curio or relic'' firearms that would be imported is incorrect. First of all, we do not import ''millions'' of guns into this country on an annual basis. Currently, the rough total number of all firearms that are annually imported into this country is in the 800,000 to 900,000 range. Only a relatively modest number of U.S. origin curio or relic firearms are available for importation into the United States in commercially acceptable and safe-to-shoot condition—these will not number in the millions.

Finally, current law—the International Traffic in Arms Regulations, the Arms Export Control Act, the Foreign Assistance Act and the Gun Control Act of 1968—already prohibits U.S. importers from trading with proscribed countries, such as Iran, whose foreign policy threatens world peace and the national security of the U.S. and supports acts of terrorism. The proposed appropriations language made it very clear that importation would only be permitted from non-proscribed nations.

Regarding the report language that has been added to the bill. I would like to point out that Senator LAUTENBERG's statement suggested expansion of the conference report language is contrary to what was accepted in the bill. It is clear that the items Senator LAUTENBERG offered on the floor were specifically rejected by the Conferees, which are as follows:

First, the Conferees did not accept the Administration providing a description of any law enforcement or grand jury investigations of alleged illegal conduct related to the importation of M–1 or M19911 firearms.

Second, the Conferees did not accept the Administration reporting on the number and types of weapons that have been added to the ''curios or relics'' list since 1980, the process by which those weapons are added to the list, and the entities that have petitioned to add weapons added to the list.

Third, the Conferees did not accept the Administration providing a comprehensive overview of the number of homicides and violent crimes committed against police officers and against civilians with M1s or M19911s.

In addition, Mr. President, Senator LAUTENBERG suggested by the use of term ''simple'' that the Administration should report on how ''simple'' the conversion of M–1 carbine is from semiautomatic to an illegal fully automatic gun. That is not what the report language calls for—it calls for an explanation of the facts. Converting the M–1 Carbine requires an M2 parts conversion kit; however, that is not readily or easily accomplished, since it is strictly controlled under the National Firearms Act of 1934.

In summary, this amendment is needed, and I regret we could not achieve it this year. With the additional information from the Administration, and an early start on the matter, I believe we will be able to right what has been a wrong to the gun collecting and importing community for many years.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH pertaining to the introduction of S. 1530 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

JUDICIAL CONFIRMATION PROCESS

Mr. HATCH. Mr. President, as we complete the 1st session of the 105th Congress, I would like to update my colleagues on how we have advanced the judicial confirmation process. Let me say from the outset that I believe one of the Senate's most important functions is its constitutional authority, and responsibility, to render advice and consent to the President in his nomination of Federal judges.

Unique in our system of Government, Federal judges serve for life, and are entirely unaccountable to the electorate. When a single Federal judge is confirmed by the U.S. Senate, he or she will exercise enormous power over our people, our States, and our public and private institutions, for years and years to come. As the scope of Federal law—both statutory and constitutional—has exploded to cover virtually all areas of our lives and culture, and as our society has become more litigious, Federal judges have come to wield vast power over countless aspects of our everyday lives. Moreover, the troubling trend toward increased judicial activism has only enhanced the power that judges exercise in our society.

As a result, I have dedicated considerable time and energy to thoroughly review each nominee in an effort to ensure that only individuals of the highest caliber are permitted to serve on the Federal bench. At the same time, of course, I am cognizant that as President, Mr. Clinton is entitled to some deference in his choice of Federal judges, and I have sought to respect the President's decisions.

To date, the Senate has confirmed 239 Clinton judges, of which 35 were confirmed this year alone. Those 239 judges represent nearly one-third of the entire Federal bench. We currently have nine judges pending on the Senate floor. If those judges are confirmed, as I hope they will be, the Senate will have confirmed 44 Federal judges during this session.

I believe that the Judiciary Committee has been proceeding fairly and at reasonable pace. Indeed, I strongly believe that we must do our best to reduce the approximately 80 vacancies that currently exist in the Federal courts. There are, however, limits to what the Judiciary Committee can do. We cannot, no matter how hard we may try, confirm judges who have yet to be nominated. Of the 43 nominees currently pending, 9 were received in the last month.

And 13 of those pending nominees are individuals simply renominated from last Congress. So, of those 80 vacancies, 45 are, in effect, a result of the administration's inaction. Forty-three total pending − 8 incomplete paperwork = 35 real nominees; 80 vacancies − 35 real nominees = 45 White House inaction.

Moreover, of the 79 total judicial nominees sent forward to the committee this year, 47 have now had hearings. Of the 47 nominees that have had hearings, 41 have been reported out of committee. Of those 41 nominees reported out of committee, 35 have been confirmed, and 9 are pending on the Senate floor.

The committee has moved noncontroversial nominees at a relatively speedy pace. In fact, I pledge that when the administration sends us qualified, noncontroversial, nominees, they will be processed fairly and promptly. Indeed, in the last few months, the administration has finally begun sending us nominees that I have for the most part found to be quite acceptable. Take Ms. Frank Hull, for example. She was nominated for a very important seat on the Eleventh Circuit. Ms. Hull was nominated June 18, had her hearing July 22, and was confirmed on September 4. This is a remarkably fast turnaround.

Or consider Mr. Alan Gold from Florida. He was nominated in February. We completed his paperwork and our review in March and April, he had a hearing shortly thereafter in May, and he was reported out of committee and confirmed before the July 4 recess.

Two other good examples are Ms. Janet Hall from Connecticut and Mr. Barry Silverman, of Arizona. Ms. Hall was nominated to the U.S. District Court June 5, 1997, the committee had a hearing on July 22, and she was confirmed September 11. Mr. Silverman may have even set the record: The committee received his nomination on November 8, held his hearing on November 12, and reported him out of committee today.

Clearly, when it comes to new, noncontroversial nominees, we are, in fact, proceeding with extraordinary speed and diligence.

More controversial nominees, however, take more time. Indeed, many of the individuals renominated from the 104th Congress have proven difficult to move for a variety of reasons. Unfortunately, of the 79 individuals nominated this Congress, only 56 have been new; the other 23 are individuals who were previously nominated, but have been controversial and proven difficult to move through the committee—much less to confirm. When the administration simply sends back nominees who had problems last Congress, it takes much more time, and is much more difficult, to process them. It is worth pointing out that there was, in virtually every instance, a reason why the Senate confirmed 239 other Clinton nominees but not those 23. And, if all we are left with are judges whom we are not ready to move, I will not compromise our advice and consent function simply because the White House has not sent us qualified nominees. As I said at the outset, the Senate's advice and consent function should not be reduced to a mere numbers game. The confirmation of an individual to serve for life as a Federal judge is a serious matter, and should be treated as such. In fact, we have sat down with the White House and Justice Department and explained the problems with each nominee, and they understand perfectly well why those nominees have not moved.

Many inaccurate accounts have been written charging that this body has unreasonably held up judicial nominations. That claim is simply not true. As of today, we have processed 47 nominees—35 confirmed, 9 on the floor, 2 are pending in committee and 1 withdrawn. Now, not all of these judges have yet been confirmed, but I expect that they will be confirmed fairly promptly. Assuming most of these nominees are confirmed, I think you will see that our efforts compare quite favorably to prior Congresses, in terms of the number of judges confirmed at this point in the 1st session of a Congress. As of today, we have confirmed 35 judges. If we confirm the 9 judges pending on the Senate floor, we will have confirmed 44 Federal judges this year.

Republicans confirmed 55 judges as of the end of the 1st session in the 104th Congress. Indeed, the Democrats confirmed only 28 judges for President Clinton at the end of the 1st session back in the 103d Congress. Although the Democrats confirmed 57 judges as of the end of the first session back in 1991, for a Republican President, they confirmed only 15 judges in 1989 and 42 judges in 1987, both for Republican Presidents. So the plain fact is that we are right on track with, if not ahead of, previous Congresses. And this is particularly significant given the fact that we have more authorized judgeships today than under Presidents Bush or Reagan. In fact, there are more sitting judges today than there were throughout virtually all of the Reagan and

Bush administrations. As of today, there are 763 active Federal judges. At this point in the 101st and 102d Congresses, by contrast, when a Democrat-controlled Senate was processing President Bush's nominees, there were only 711 and 716 active judges, respectively.

The Democrat Senate actually left a higher vacancy rate under President Bush: Just compare today's 80 vacancies to the vacancies under a Democratic Senate during President Bush's Presidency. In May 1991 there were 148 vacancies, and in May 1992 there were 117 vacancies. I find it interesting that, at that time, I don't recall a single news article or floor speech on judicial vacancies. So, in short, I think it is quite unfair, and frankly inaccurate, to report that the Republican Congress has created a vacancy crisis in our courts.

It is plain then, that current vacancies not result of Republican stall. First, even the Administrative Office of the Courts has concluded that most of the blame for the current vacancies falls on the White House, not the Senate. It has taken President Clinton an average of 534 days to name nominees currently pending, for a vacancy—well over the time it has historically taken the White House. It has taken the Senate an average of only 97 days to confirm a judge once the President finally nominates him or her, and in recent months we've been moving non-controversial nominees at a remarkably fast pace. As a result, with the exception of nominees whose completed paperwork we have not yet received, the White House has only sent up 43 nominees for these 80 vacant seats—of which 13 were received just prior to the Senate going into recess. Forty-five of those seats are, in effect vacant because of White House inaction.

Second, those vacancies were caused by a record level of resignations after the elections. During President Clinton's first 4 years, we confirmed 204 judges—a near record high, and nearly one quarter of the entire Federal bench. By the close of last Congress, there were only 65 vacancies. This is virtually identical to the number of vacancies under Senator BIDEN in the previous Congress. The Department of Justice itself stated that this level of vacancies represents virtual full employment in the Federal courts. So last Congress we were more than fair to President Clinton and his judicial nominees. We reduced the vacancy level to a level which the Justice Department itself considers virtual full employment. But after the election last fall, 37 judges either resigned or took senior status—a dramatic number in such a short period. This is what has led to the current level of 80 vacancies.

Many Judicial ''Emergencies'' are far from that: I would also like to clarify a term that is now bandied about with little understanding of what it really means a judicial ''emergency'' is simply a seat that has been unfilled for a certain period of time. In reality, though, many of those seats are far from emergencies. Indeed, of the 29 judicial emergencies, the administration has not even put up a nominee for 7 of those seats. As for the others, I think you will find that a number of the relevant districts do not in fact have an overly burdensome caseload.

And, keep in mind that the Clinton administration is on record as having stated that 63 vacancies—a vacancy rate of just over 7 percent—is considered virtual full employment of the Federal judiciary. The current vacancy rate is only 9 percent. How can a 2 percent rise in the vacancy rate—from 7 to 9 percent—convert full employment into a crisis?

It can't. The reality is that the Senate has moved carefully and deliberately to discharge its constitutional obligation to render advice and consent to the President as he makes his appointments. I am satisfied by the committee's work this session, and look forward to working with the administration in the coming months to identify qualified candidates to elevate to the Federal bench.

I yield the floor I thank the Chair.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

TRIBUTE TO SENATOR WILLIAM B. SPONG, JR., OF VIRGINIA

Mr. ROBB. Mr. President, I rise today to reflect on the life and service of William B. Spong, Jr., a distinguished statesman, a former U.S. Senator from the Commonwealth of Virginia, and a mentor to many of us who entered politics inspired by his extraordinary conviction.

Bill Spong died in Portsmouth, VA, on October 8, 1997, at the age of 77. He left behind a son, a daughter, five grandchildren, and a legacy of public service to the people of Virginia unmatched in his lifetime. As his childhood friend, Dick Davis, said so eloquently, ''the state has lost a leader that may never be replaced.''

Bill Spong epitomized the professional commitment and personal integrity that was his hallmark. He was a quiet giant.

The product of two outstanding Virginia universities—Hampden Sydney College and the University of Virginia School of Law—Bill Spong could have gone anywhere and made money. But he went home to Portsmouth, set up a law practice with his friend, Dick Davis, and successfully ran for the Virginia House of Delegates and then the State senate.

A philosopher once said, while ''every man is a creature of the age in which he lives, very few are able to raise themselves above the ideas of the time.'' We, in Virginia, will be forever grateful that Bill Spong was one of those rare individuals who thought—and acted—ahead of his time. While in the House of Delegates, he joined a moderate group of ''Young Turks'' to pressure the legendary Byrd Machine into investing more money into education. And as a member of the State senate in 1958, he exhibited what would become a lifetime understanding of the value of learning by chairing a statewide Commission on Public Education.

Then, in 1966, Bill Spong made history. In a Democratic primary, he challenged U.S. Senator A. Willis Robertson, a 20 year Byrd machine-backed incumbent, and won by 611 votes. ''We called him Landslide Spong,'' remembered his friend and campaign manager William C. Battle.

As a member of this body, Mr. President, Bill Spong focused not on politics, but on policy and principle. ''He agonized over legislation in his quest to do what he believed to be right,'' his former Press Secretary, Pete Glazer, said recently.

''Bill Spong was the kind of public servant we all try to emulate,'' said Congressman ROBERT C. SCOTT, ''a man of integrity who courageously stood by his convictions and his principles, even when it might not be the immediately popular thing to do.'' As Alson H. Smith, Jr., reflected: ''If Bill Spong thought it was right, he did it.''

Mr. President, Bill Spong was a statesman.

But 1972 taught us that Senators with great courage can be demagogued and out spent, and Bill Spong lost his Senate seat amidst George McGovern's landslide defeat to Richard Nixon. ''In the Watergate year of 1971,'' remembered his college friend, and former U.S. attorney, Tom Mason, ''Bill Spong became an early victim of the 11th hour 30-second television spots that continue to plague our political system.'' ''In my judgement,'' Mason said, ''Bill Spong's defeat in 1972 was one of the worst developments in Virginia's political history.''

The Senate's great loss, however, was the Commonwealth's great gain, as Bill Spong left this institution to continue his extraordinary service to Virginia. He became dean of William and Mary's Marshall-Wythe School of Law in 1976 and his stewardship brought our Nation's oldest law school from near ruin to national prominence. In 1989, he became the interim president of Old Dominion University in Norfolk.

''He had a real intellectual bent,'' remembered Bill Battle. ''He was probably more comfortable as Dean of the Law School at William and Mary than at any other time of his life.''

''His sense of humor was unbelievable,'' Battle continued. ''When we were in law school together after World War II, he was always where the trouble was but never in it. It's hard to believe he's no longer around.''

Mr. President, we may mourn Bill Spong's death. We may remember his life. But we may never know the breadth of his legacy, or the inspiration he lent along the way. No political leader in the Commonwealth was more responsible for my own entry into Virginia politics than Bill Spong. Dick

Davis entered public life because he was angry that his lifelong friend—who he described last week as ''a great Virginian and a great Senator'' —lost his Senate seat. There's no question that Bill Spong was an enormous force in the leadership of our State that began in 1981.

In fact, in 1977, when I was Lieutenant Governor and our party was fractured and discouraged, I asked Bill Spong to help us put the pieces back together. I'll always be grateful that the Spong Commission Report, as we called it, laid the groundwork for the unity we needed to succeed 4 years later.

Mr. President, during the time I served as Governor, I appointed Bill Spong to the Council on Higher Education and asked him to Chair the Governor's Commission on the Future of Virginia. The latter produced an extraordinary report that helped guide public policy—and progress—in Virginia for over a decade. Just last summer, I asked Bill Spong to chair a judicial nomination committee to recommend a nominee for the U.S. District Court for the Eastern District of Virginia. As always, his extraordinary judgement and unique vision were invaluable.

''Bill worked hard throughout his public and private life to bring Virginians together to make a better world for all of us,'' Congressman SCOTT said. ''I will miss his leadership and his friendship.''

''He never forgot where he came from,'' remembered his former press aide, Pete Glazer, ''and he died in the city where he was born.''

''Two hundred years ago, we were fortunate to have dedicated and enlightened leaders of this Commonwealth,'' said H. Benson Dendy III. ''Truly Senator Spong was such as a leader of our time.''

I will close, Mr. President, with two eulogies delivered at Bill Spong's memorial service in Williamsburg by Robert P. Crouch, Jr. and Timothy J. Sullivan. Their eloquence is a shining tribute to a man who has been an inspiration to so many.

I ask unanimous consent they be printed in the RECORD.

There being no objection, the eulogies were ordered to be printed in the RECORD, as follows:

REMARKS ON THE LIFE OF THE HONORABLE WILLIAM B. SPONG, JR.

(By Robert P. Crouch, Jr.)

Athenians of antiquity defined a statesman as one who plants trees knowing he will never enjoy their shade. Such was the statesmanship—such was the life—of William Belser Spong, Jr.

Bill Spong entered my life in June of 1971, when I followed my friend, the Senator's good and devoted friend, Whitt Clement, as the Senator's driver and aide. I traveled with the Senator in that capacity for the remaining year and a half of his Senate service.

It was an unusual position that we who served as ''wheelman and gofer'' occupied. Callow and often bungling, just out of college, we had a staff position that was among the most humble in the office . . . in title, in rank, and in salary.

But ours was also the most privileged position on the staff. For we were with the Senator. And anyone who was with Bill Spong for much time at all became his student.

Awestruck to work for this Senator whose career I had admired from a distance, I traveled with him to his beloved Portsmouth during my first week on the job. Entering the Spong home, luggage in hand, I was met by the Senator's mother, Emily Spong. (My awe was to increase very rapidly.) She stood at the top of the stairs and said to me, with what I would come to know as unquestionable authority:

''Young man, you go tell Billy, the one you call 'Senator,' to get in here right now!''

I quickly developed a tremendous affection for Emily Spong, fueled, in part, by her sharing with me stories of youthful misbehavior of the Senator and his best friend Richard, but I never stopped calling her son ''The Senator.''

And while we of his Senate staff would, over the years, hear him referred to as ''Dean Spong,'' then ''President Spong'' (I liked that one a lot, and suspect that he enjoyed it as well), or—more familiarly as—''Bill,'' or ''Billy,'' or even ''Spongo,'' by some of his oldest and dearest friends—Tom Mason, Dick Davis, the Battle boys, John and Bill, among others—most of those of us who worked with him in Washington would always refer to him as ''The Senator.'' And always will.

The details of that Senate service—the legislation, the tough decisions on tough votes, the campaigns—are well known and have been well reviewed in recent news articles. I prefer to take this brief time to speak of the character of his public service.

An anecdote shared with me by an assistant United States attorney in our Roanoke office, Don Wolthuis, who was a student of the Senator at the Marshall-Wythe School of Law, captures that character. Faced with a difficult personal decision, Don went to Dean Spong for advice. After hearing Don explain his dilemma, the Senator simply responded: ''Whatever you do, do it well.''

But ''doing it well'' was not a simple or brief process for Bill Spong. It was a well ordered and deliberate process. And it was this he applied to his Senate service as he did to every other aspect of his life. It involved anticipating the challenges and the needs of the future; scanning the horizon of time; thoughtfully examining options and consequences; making a well informed choice, then carrying through with that decision with grace and excellence. He lived the motto of Virginia-born Sam Houston: ''Do the right thing and risk the consequences.''

The Senator delighted in one reporter's description of him as ''A gray cat in the Chesapeake fog.'' During that time, in the years since, and in the past several days, the word ''cautious'' has been frequently used to describe him. If caution is understood to mean ''risk adverse,'' then it is incorrectly applied to Bill Spong, for it is the seemingly ''cautious'' choice which is often the least popular; the most difficult to make; the least understood by others; the most frustrating to sustain; and the most expensive.

His integrity—intellectual and moral—informed all that Bill Spong did in the United States Senate, and it earned him the respect and affection of his colleagues of both political parties, and of their office and committee staff.

We who worked for him during those years learned not only from the Bill Spong of the Senate office and the Senate floor. He later acknowledged that his political fortune was the victim of his Senate duty—and it is correct that he chose to sacrifice the votes of civil club meetings to the votes duty required he cast on the Senate floor. However, it should also be understood that whenever he was free from Senate duties, he was in the State. During that year and a half, for example, we traveled to all but one of Virginia's counties. And what travels those were.

He loved two Virginias. First, Virginia Wise Galliford, the Marine Corps general's daughter he married and with whom he raised Martha and Tom. She was a beautiful, generous, and strong woman who also graced the lives of many here today, and we misss her.

And to be with the Senator was to learn of the other Virginia of his life, the Commonwealth: its magnificent natural beauty, its wonderful and diverse people, its history—colonial, Civil War, twentieth century—and, certainly, its politics; traveling with Senator Spong was a course in the rule of law; a class in big band music; a seminar in sports from Bill Belser, his Walter Mitty-sportswriter self (and if last week's resignation of UNC's Dean Smith marked the departure of the ACC's greatest coach, it has also just lost its greatest fan in Bill Spong).

We, his staff and supporters, knew then, of course, that his Senate tenure was too short. History knows it now. Yet, the Senate's loss, the Nation's loss, was clearly the gain of this great institution and of many others he cared so deeply about.

His departure from the Senate enabled him to spend more time with his family, with Virginia, with Martha, and with Tom. News articles have related his expression in later years of how important that was to him. Many of us with him in 1972 heard him say it then.

To Martha and Tom and to other members of the Spong family, our thoughts and prayers for you today will extend into the future. He was immensely proud of you, and of his and Virginia's five splendid grandchildren: Edward, Peter, Chase, Madison, and Lucy.

These beautiful and historic surroundings remind us that there have been other ''gray cats'' in Virginia's history. George Wythe, George Mason, come to mind. They turned events, and their lives sent ripples through decades and generations, and into the centuries.

As we reflect on the life of William Spong, our fine teacher, many of us know our own lives were enriched and blessed by the important place he has had, and will continue to have, in them.

We know, too, and history will conclude, that in his public service, Mr. Spong of Virginia was the best of his day, and is among the greatest of Virginians.

EULOGY FOR WILLIAM B. SPONG, JR.

(By Timothy J. Sullivan)

It all began—with bourbon—and with tuna salad. Not a few of you must be wondering what I could possibly mean. How could Bill Spong's triumphant William and Mary years have anything at all to do with bourbon and tuna salad? But that is the way they did begin, and you should know the story.

On a brilliant autumn Saturday sometime in October of 1975 I drove from Williamsburg to Portsmouth. I was the very young chair of the William and Mary Law Dean Search Committee. My job—and it seemed to me mission impossible—was to help convince Senator Spong that he really—really—did want to become dean of a law school which was at substantial risk of losing its professional accreditation.

Bill invited me to meet him at his home. We sat down to lunch at the kitchen table. His beloved Virginia provided the tuna salad—which was very good, Bill supplied the bourbon—which was also good. Martha hovered—so it seemed to me—skeptically on the

fringes of the room. Tommy would occasionally catapult through in pursuit of an errant soccer ball.

Bill and I talked—he was interested—and the rest is happy history. Bill Spong did—as we all know—come to William and Mary, and his leadership first healed a crippled institution and then raised it to a level of national distinction that none of us dared dream. He built a place of genuine intellectual excellence—but he did more. He built a law school of which George Wythe would have approved. And that is not a casual compliment. George Wythe's approval mattered to Bill—it mattered very much. Bill's inspiration shaped a place where would be lawyers learned not only their duty to their clients, but their duty to humanity—a place where professional success was and is defined not only by hours billed—but by a client's burdens lifted—by anguish eased.

During much of Bill's deanship, I served as one of his associate deans. We became friends—more than friends really—our association deepened in ways that—then and now—makes it one of the great treasures of my life.

He was my teacher, too. I learned life lessons that I have never forgotten and for which I have never failed to be grateful. As a teacher, Bill was almost magical. He taught without seeming to teach, and you learned without realizing that you were being taught—until afterwards—when you were left to discover—with manifest joy—the power of the lessons he had lodged deep within your heart.

As most of you know, Bill did not drive. When he was here, I was one of those who shared with Virginia the responsibility of getting him where he needed to go—and that led to not a few adventures.

One day he asked me whether I would like to go to Hampden-Sydney. I said yes. I had never been there—and I was anxious to see for myself—a place Bill really believed was some kind of collegiate paradise. I asked him when I should pick him up. He said—don't worry—just be here in the morning. When I arrived on the next day, I discovered he had engaged Mr. Albert Durant—a loquacious and long-time chauffeur for hire—who was something of a local institution. Mr. Durant's vehicle was a great, long black limousine—the vintage of which would have given it pride of place in President Eisenhower's first inaugural parade.

We bought sandwiches from the Cheese Shop and rolled up the road to Farmville—fully occupied by Mr. Durant's non-stop commentary while eating our lunch out of paper sacks in the back seat.

When we approached the limits of that collegiate paradise—Bill leaned forward and said—Mr. Durant . . . ''Mr. Durant . . . see that alley up there on the right—turn in there. I can't let them see me coming in a car like this.'' Now—it wouldn't have been accurate exactly—to say that we snuck on to the campus in camouflage—but it would be accurate to say that we didn't make a point of being seen until we were a safe distance from any possible connection with Mr. Durant's gleaming but antique limousine.

On the way home, we stopped to get gas in what was then the wilderness of Chesterfield. I got out with Mr. Durant to stretch my legs. Bill stayed in the car. As he serviced the car, the attendant peered in to the back window—turned to me—and asked with some awe in his voice—''Would that be the Governor in there?'' ''No,'' I said, ''but he should have been.'' I still think that. He should have been.

But now, all is memory—the life is complete. What he should have been doesn't matter. What does is what he was. And what he way—was the most thoughtful public servant of his generation—a great man who lived this Commonwealth—not uncritically—but loved it still—the beauty of the land—the decency of its people—the glory of its history.

What he was—was a teacher and builder who believe profoundly in the power of education and who struck many a powerful blow for civility and civilization.

What he was—was a friend whose friendship made you laugh for the sheer joy of it, whose love gave you strength and whose example gave you courage.

All that we must consign to memory—at the moment it is a memory that wounds—and deeply.

But we all know—that in God's good time—that the would will mostly heal—the pain will largely disappear—and we will be left with the wonder—and may I say the warming glory of having been numbered among that special band who loved and were loved by our eternal friend—Bill Spong.

Mr. ROBB. Mr. President, I note the temporary absence of anyone else seeking to speak. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MAMMOGRAPHY QUALITY STANDARDS ACT

Ms. MIKULSKI. Mr. President, I rise today to celebrate the Senate passage of the Mammography Quality Standards Act. I am delighted that the Senate acted on Sunday, November 9 to unanimously approve this important legislation. The bill that the Senate has now passed reauthorizes the original legislation which passed in 1992 with bipartisan support. This year's bill is presented to the Senate with 55 cosponsors.

What MQSA does is require that all facilities that provide mammograms meet key safety and quality-assurance standards in the area of personnel, equipment, and operating procedures. Before the law passed, tests were misread, women were misdiagnosed, and people died as a result of sloppy work. Since 1992, MQSA has been successful in bringing facilities into compliance with the federal standards.

What are these national, uniform quality standards for mammography? Well, facilities are required to use equipment designed specifically for mammography. Only radiological technologists can perform mammography. Only qualified doctors can interpret the results of mammography. Facilities must establish a quality assurance and control program to ensure reliability, clarity and accurate interpretation of mammograms. Facilities must be inspected annually by qualified inspectors. Finally, facilities must be accredited by an accrediting body approved by the Secretary of Health and Human Services.

This current reauthorization makes a few minor changes to the law to ensure the following: Patients and referring physicians must be advised of any mammography facility deficiency. Women are guaranteed the right to obtain an original of their mammogram. Finally, both state and local government agencies are permitted to have inspection authority.

I like this law because it has saved lives. The front line against breast cancer is mammography. We know that early detection saves lives. But a mammogram is worse than useless if it produces a poor-quality image or is misinterpreted. The first rule of all medical treatment is: Above all things, do no harm. And a bad mammogram can do real harm by leading a woman and her doctor to believe that nothing is wrong when something is. The result can be unnecessary suffering or even a death that could have been prevented. That is why this legislation is so important. This law needs to be reauthorized so that we don't go back to the old days when women's lives were in jeopardy.

A strong inspection program under MQSA is extremely important to ensure the public that quality standards are being met. In a GAO report which evaluated the MQSA inspection program, GAO praised the program. They also recommended changes to further strengthen the program. FDA is in the process of implementing these recommendations. The FDA has proposed to direct its attention to conducting comprehensive inspections on those facilities where problems have been identified in the past, while decreasing the extensiveness of inspections at those facilities with excellent compliance records. I think it is important for the FDA to move promptly in this direction. The best way to protect the public health is for the FDA to focus its resources on the problem facilities.

I want to make sure that women's health needs are met comprehensively. It is expected that 180,000 new cases of breast cancer will be diagnosed and about 44,000 women will die from the disease in 1997. This makes breast cancer the most common cancer among women. And only lung cancer causes more deaths in women.

We must aggressively pursue prevention in our war on breast cancer. I pledge to fight for new attitudes and find new ways to end the needless pain and death that too many American women face. This bill is an important step in that direction.

As the 105th Congress comes to a close, we can look back on some great bipartisan victories and other great partisan frustrations. But one area Republicans and Democrats have always worked together on is women's health. I am proud of this bill's broad bipartisan support. I want to take this opportunity to thank all the cosponsors for making this happen. A special thanks to Senator JEFFORDS for working with me on making passage of this bill a reality. As Dean of the Democratic

Women, I want to also thank the Dean of the Republican Women, KAY BAILEY HUTCHISON, for always reaching out to work together on the issues that matter most to American women and their families.

Still, Senate passage alone does not assure reauthorization. It is my hope that the strong show of bipartisan support for this bill here in the Senate will encourage the House of Representatives to promptly move forward on this bill. I hope they will follow our lead to ensure a quick reauthorization of MQSA. America's women are counting on it.

Mr. HARKIN. Mr. President, I join Senator MIKULSKI and many of my colleagues today to support reauthorization of the Mammography Quality Standards Act. I want to especially commend Senator MIKULSKI for her invaluable leadership on this issue. She brought the problem of poor quality mammography screening to the Senate's attention several years ago and authored the historic legislation we are today reauthorizing.

As many of you know, I lost my sisters at an early age because of breast cancer. This experience has helped to make me acutely aware of the need for research on and improved early detection of breast cancer. I've always thought if they had had access to quality mammography screening, they would be alive with us today.

Starting in 1990, as chairman of the Labor, Health and Human Services Appropriations Subcommittee, I worked with Senator MIKULSKI and others to start and fund a program at the CDC to provide screening for lower income women without insurance. And in 1992, I offered an amendment to dedicate $210 million in the Defense budget for breast cancer research. Because of this legislation, funding for breast cancer research has been included in the Defense Department budget every year since 1992, and will be included again in Fiscal Year 1998.

It is clear that if we are to win the war on breast cancer we must continue to support research on improved treatments, but we must also ensure that breast cancer is detected early enough to apply these treatments effectively. The need for legislating mammography quality standards is obvious—every year approximately 180,000 women will be diagnosed and 44,000 women will die of breast cancer. We can prolong and save the lives of millions of women if we can detect the cancer early in its development. The earlier we can diagnose breast cancer, the sooner a women can begin to receive appropriate treatment, and the more likely it is that she will survive. It is vital that all women have access to mammograms which are both properly performed and accurately analyzed. This screening is a very powerful weapon in the battle against cancer.

Early diagnosis, and consequently early treatment, depend upon accurate evaluations of breast tissue. This means that the health care professionals taking mammograms and reading mammograms must be properly trained. This Act sets forth requirements that all mammography facilities meet stringent standards in terms of equipment used, personnel, and reporting of mammography findings.

Congress must act quickly to pass this reauthorization so that women throughout our nation can be confident that they are receiving the safest, most reliable mammography available. Without these standards, women do not have such guarantees. They would be forced to place their lives in the hands of a random patchwork of Federal, State, and voluntary standards. This is unacceptable. We cannot return to the days before this law was passed, when women were misdiagnosed because mammography clinics did not have standards for quality control.

Women also deserve the best technology available when it comes to early detection of cancer because advanced technology means more accurate, and therefore earlier diagnosis. One such advance is digital mammography. This screening technique involves the creation of digital images which are more easily visualized and can also be stored and forwarded to other medical sites. This can provide women in rural areas with vital access to expert medical diagnosticians.

When women and their doctors have access to the best technology available, such as digital mammography, it can mean the difference between life and death. It can also mean money saved, because it is cheaper to treat a small, confined tumor than it is to treat a full-blown metastactic cancer which has spread to other organ systems.

Breast cancer is the most common cancer among American women, but it does not have to be the No. 1 cancer killer among women in the United States because we have ways to detect it early on. The National Cancer Institute advises that ''high-quality mammography combined with a clinical breast exam is the most effective technology presently available to detect breast tumors.'' We have an obligation to American women to ensure that the mammographies they receive meet high-quality federal standards. I am proud to be an original cosponsor of this legislation and I look forward to its speedy passage into law.

Mrs. HUTCHISON. Mr. President, I rise today to commend my colleagues for passing the Mammography Quality Standards Act, assuring that national, uniform quality standards will be in place for this lifesaving, preventive procedure.

Experts universally agree that mammography is one of the best ways to detect breast cancer early. Yet, statistics show that the majority of women who need mammograms are not getting them. Nearly 40 percent of women ages 40 to 49, 35 percent of women ages 50 to 64, and 46 percent of women 65 years of age and over have not received a mammogram in the past 2 years. With 44,000 women dying annually from breast cancer, one in three of these might be saved if her breast cancer is detected early.

Since almost 10 percent of breast cancers are not detected by mammography, it's essential to remember breast self-examination and clinical screening as the other important early detection tools we have at our disposal.

This was the first year that the National Cancer Institute joined the American Cancer Society and other breast cancer organizations in support of screening mammograms on a regular basis. Dr. Richard Klausner, NCI Director, announced in March that the mammography recommendations of the National Cancer Screening Board would be adopted by NCI.

Dr. Klausner spoke movingly about NCI-conducted focus groups that found that many women are not aware that breast cancer risks increase with age and that most women who develop breast cancer have no family history of the disease. He is to be commended for launching a new education campaign featuring new breast health and mammogram fact booklets, and breast health information hotline and Internet website.

The passage of the reauthorization of the Mammography Quality Standards Act dovetails nicely with these efforts. The original legislation passed in 1992 has been successful in bringing mammography screening facilities into compliance with a tough Federal standard. Patients can be assured that their mammography procedures and results are provided by qualified technical professionals and with annually inspected radiographic equipment and facilities.

This reauthorization makes some needed improvements to existing law. Facilities are now required to inform the patient as well as the physician about the screening results, and patients may now obtain their original mammogram films and report. Consumers and physicians must now be advised of any mammography facility deficiencies, and both State and local government agencies are granted inspection authority. These improvements were recommended in a GAO report as ways to assure that this vital prevention program continues to protect the public health and address women's health needs.

Last, I want to thank all the countless radiologists, radiologic technicians, and support workers who provide this very worthwhile service and make the time spent undertaking this procedure as pleasant as possible. These are the soldiers in our war against cancer, and their contributions are invaluable. I thank you all for your support.

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. THURMOND. Mr. President, I rise today to advise Members of the

Senate why I have objected to the Senate consideration of H.R. 2513. This bill, which was sent by the House to the Senate in the closing days of this session, would provide tax relief for certain matters involving active financing income from foreign personal holding company income and sale of stock in agricultural processors to certain farmers' cooperatives.

First of all, Mr. President, I have no objection to the provisions which provide tax relief in these matters. However, I do object to the manner in which the House has proposed that we pay for these tax reductions. The use of sales of defense stockpiles to finance these tax relief measures is, in my opinion, inappropriate and inconsistent with section 311 of the Budget Act.

While I am removing my objection to the consideration of H.R. 2513, I want to make clear to Members in both the Senate and the House that I do not consider that a precedent is being established for using defense assets as offsets for non-defense-related expenditures. I want to make it clear also that I intend to object to any similar tax relief legislation which is paid for in such a manner in the future.

As the majority leader moves to close out the remaining business so that the Senate can adjourn, I want to take this opportunity to commend him for his superb leadership and the outstanding manner in which he has managed the Senate's business as the majority leader. I look forward to continuing to work with him in the future.

TRIBAL FOSTER CARE AND ADOPTION

Mr. DASCHLE. Mr. President, I would like to bring to the attention of the Senate an issue which, I believe, needs to be addressed. Title IV–E of the Social Security Act, Federal payments for foster care and adoption assistance, does not provide equitable foster care and adoption services for Indian children living in tribal areas. I had hoped we might be able to amend this bill, which is designed to better serve children in need of permanent, loving homes, to include children living in tribal areas. However, it appears that we will be unable to do that at this time. Nonetheless, it is clear that the funding that provides services to Indian children is sufficient to address the compelling needs of children not equivalent to that provided for services to children not living on reservations, and for that reason, I would like to engage in a discussion about how we might address this issue.

Mr. ROCKEFELLER. Mr. President, I am happy to engage in a colloquy with the Democratic leader. Can the leader tell me what constitutes the primary impediment to Indian children and tribal government access to the Federal foster care program and Federal adoption assistance program?

Mr. DASCHLE. Mr. President, the flaw in the statute is that it provides IV–E assistance only to children placed by State courts or agencies with whom States have agreements. In doing so, the law has left out Indian children living in tribal areas who are placed in foster care and adoptive homes by tribal courts. A relatively small number of tribes—50, or 10 percent of the total number of federally recognized tribes—has been able to work out tribal/State agreements whereby foster care payments are made for children placed by tribal courts. These agreements do not provide the full services of the title IV–E program, as they by and large do not include training and administrative funding for tribal governments. A major impediment to reaching even these less-than-ideal tribal/State agreements is that State governments retain liability under the agreements, something that States are reluctant to do.

The result is that Indian children—often the poorest of the poor in our Nation—are sometimes placed in unsubsidized homes without necessary foster care services. This should not be the case. Other children in this Nation who meet the eligibility requirements are eligible for the services of the open-ended Foster Care and Adoption Assistance Entitlement Program. State governments have benefited from large amounts of Federal administrative and training funds for their foster care/adoption assistance programs. Tribal governments and Indian children have not.

The legislation being considered today is designed to improve services and encourage permanent placements for children. Indian children living in tribal areas, however, have not benefited to the same extent as other children under the current program, and we should ensure that that discrepancy is eliminated.

The IV–E program provides help to fund the basics, such as food, shelter, clothing, and school supplies for the children, but this program does not include Indian children. We need to get our priorities in order, and help all children, especially those with special needs, including Indian children. I understand the primary reason for not including an amendment to make Indian children in tribal areas and tribal government eligible for the IV–E program is that no offset was provided for the cost.

Mr. ROCKEFELLER. Mr. President, the Senator is correct. Unfortunately, there are many provisions and new investments that Members wanted to include. But we are running out of time in this session, and securing new funding and appropriate revenue offsets is an overwhelming challenge. I appreciate the concerns the Senator has raised and would like to work with him in the future. As my colleagues know, Indian children are covered under a special law, known as the Indian Child Welfare Act. We should work together to ensure that this law and other Federal programs for abused and neglected children are better coordinated.

Let me assure my colleagues, though, that this package will help Indian children. Within the Promotion of Adoption, Safety, and Support for Abused and Neglected Children, the PASS Act, is a provision to extend the 1993 law to provide funding for family preservation and family support for 3 additional years. This program is designed to support community-based programs to help innovative projects invest in prevention and programs to strengthen families. Within the existing law is a 1-percent set aside for the tribes. This will be extended 3 more years, and I hope this funding will enable the tribes to continue ongoing efforts to help Indian children.

Mr. INOUYE. Mr. President, I, too, want to express my strong interest in amending the title IV–E statute so that Indian children placed by tribal courts have access to this program on the same basis as other children and that tribal governments with approved programs be made eligible for IV–E administrative and training funds on the same basis as States. Senator CAMPBELL and I jointly wrote the Finance Committee on this matter.

I would point out that the Senate Committee on Indian Affairs, in April 1995, held a hearing on welfare reform proposals. At that hearing, a representative of the Department of Health and Human Services, Office of the Inspector General, testified with regard to its August 1994 report: ''Opportunities for Administration on Children and Families to Improve Child Welfare Services and Protections for Native American Children,'' which documented that tribes receive little benefit or funding from the title IV–E Foster Care and Adoption Assistance Program—and other Social Security Act programs. The OIG report states: ''The surest way to guarantee that Indian people receive benefits from these Social Security Act programs is to * * * provide direct allocations to tribes.'' The OIG report also noted that the State officials with whom they talked preferred direct IV–E funding to tribes:

> With respect to IV–E funding, most State officials with whom we talked favored ACF (Administration on Children and Families) dealing directly with Tribes. This direct approach for title IV–E would eliminate the need for Tribal-State agreement, and because title IV–E is an uncapped Federal entitlement, would not affect the moneys available to the States. (p. 13)

Mr. MCCAIN. Mr. President, I share the concerns expressed by my colleagues about basic fairness. Last year during consideration of welfare reform, I advocated that we use that bill as a vehicle to fix the title IV–E law with regard to tribes and Indian children in tribal areas. Under the current law, states cannot even administer a Temporary Assistance for Needy Families [TANF] program unless they have in place a foster care/adoption assistance program. I appreciate the efforts of Representatives HAYWORTH and MCDERMOTT in trying to fix this problem during the Ways and Means Committee consideration of its adoption

bill, H.R. 867, and also of former Representative Bill Richardson who early this year introduced a freestanding bill on this issue. It seems that we keep running into the issue of funding. This is, however, a clear-cut case of fairness, and we must work together to provide equitable assistance to Indian children.

Mr. CHAFEE. Mr. President, I certainly appreciate the perspective my colleagues bring to this issue. Clearly, we need to take into account the status of tribes and tribal court system and the children under their jurisdiction in determining IV–E payments. I will work with them to correct this inequity.

Mr. DORGAN. I would like to add my voice to those of my colleagues who share my belief that it is fundamentally unfair for Indian children placed by tribal courts to be ineligible for IV–E assistance even though these children otherwise meet the eligibility requirements. In my judgment, we have a responsibility, both because of the Federal Government's trust relationship with Indian tribes and because of the desperate need that exists in Indian country for this funding, to correct this oversight as quickly as possible.

Mr. DASCHLE. Mr. President, I thank all of my colleagues for joining me in this discussion and for their acknowledgment that this is an injustice that must be corrected. I look forward to working with them to make sure we provide the same resources for Indian children as we do for other children in this country.

TRIBUTE TO THE LATE BOB JONES, JR.

Mr. THURMOND. Mr. President, I am saddened to report the passing of a longtime friend, a man of integrity and honor, and someone who was well respected throughout the United States, Dr. Bob Jones, Jr.

Dr. Jones was the chancellor and chairman of the fundamentalist Christian Bob Jones University, which was founded by his father in 1927 and moved to South Carolina in 1947. Students who attend this institution learn the fundamentals of Christianity while gaining a valuable education that will prepare them for their future. The university's talented and devoted staff of educators make many contributions to the world through their service to the community and their dedication to teaching others the truths of the Bible. Graduates of Bob Jones University are employed throughout the Nation in many different fields, but each possesses the qualities and values of a good Christian upbringing, and are sound in both mind and body.

In addition to his service at the university, Dr. Jones was a well respected preacher and Christian leader throughout the Nation. Addressing crowds at church services, conferences, and meetings around the world, he was often touted as an evangelical leader who gained an unequaled respect and admiration from those who had the privilege of hearing him speak. Words cannot possibly express the degree of his devotion to the Christian faith, his community, family, and friends. His death has left a large void that will serve to remind us of the great impact he had upon each of these. Dr. Jones was a dear friend of mine, and I feel a deep loss in his death, as do so many throughout our Nation.

His family, which includes his wife, Fannie May Holmes Jones; his three children; 10 grandchildren; and his three great-grandchildren, all have my deepest sympathies. They have lost a wonderful husband, father, grandfather, and great-grandfather, and South Carolina has lost an irreplaceable son.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, November 12, 1997, the Federal debt stood at $5,429,798,432,997.19 (Five trillion, four hundred twenty-nine billion, seven hundred ninety-eight million, four hundred thirty-two thousand, nine hundred ninety-seven dollars and nineteen cents).

One year ago, November 12, 1996, the Federal debt stood at $5,246,804,000,000 (Five trillion, two hundred forty-six billion, eight hundred four million).

Five years ago, November 12, 1992, the Federal debt stood at $4,083,868,000,000 (Four trillion, eighty-three billion, eight hundred sixty-eight million).

Ten years ago, November 12, 1987, the Federal debt stood at $2,394,714,000,000 (Two trillion, three hundred ninety-four billion, seven hundred fourteen million).

Fifteen years ago, November 12, 1982, the Federal debt stood at $1,141,767,000,000 (One trillion, one hundred forty-one billion, seven hundred sixty-seven million) which reflects a debt increase of more than $4 trillion—$4,288,031,432,997.19 (Four trillion, two hundred eighty-eight billion, thirty-one million, four hundred thirty-two thousand, nine hundred ninety-seven dollars and nineteen cents) during the past 15 years.

N O T I C E

Incomplete record of Senate proceedings.

Today's Senate proceedings will be continued in the next issue of the Record.

Thursday, November 13, 1997

Daily Digest

HIGHLIGHTS

Senate passed D.C. Appropriations.

Senate agreed to Foreign Operations Appropriations Conference Report.

First session of the 105th Congress adjourned sine die

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S12513–S12565

Measures Introduced: Forty-three bills and eleven resolutions were introduced, as follows: S. 1526–1568, S.J. Res. 39, S. Res. 156–163, and S. Con. Res. 68 and 69. **(See next issue.)**

Measures Reported: Reports were made as follows:

Special Report entitled ''Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998''. (S. Rept. No. 105–155)

S. 569, to amend the Indian Child Welfare Act of 1978, with an amendment in the nature of a substitute. (S. Rept. No. 105–156)

S. 464, to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error. (S. Rept. No. 105–157)

S. 999, to specify the frequency of screening mammograms provided to women veterans by the Department of Veterans Affairs. (S. Rept. No. 105–158)

S. 1172, for the relief of Sylvester Flis.

(See next issue.)

Measures Passed:

Federal Advisory Committee Act: Senate passed H.R. 2977, to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration, clearing the measure for the President.

Pages S12515–16

Sea Grant Program: Senate passed S. 927, to reauthorize the Sea Grant Program, after agreeing to the following amendment proposed thereto:

Pages S12516–19

Lott (for Snowe) Amendment No. 1636, in the nature of a substitute. **Pages S12516–19**

Certificate of Documentation: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. 1349, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *PRINCE NOVA*, and the bill was then passed.

Page S12519

Child Support Obligations: Senate passed S. 1371, to establish felony violations for the failure to pay legal child support obligations. **(See next issue.)**

Waiving Enrollment Requirements: Senate passed H.J. Res. 103, waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress, clearing the measure for the President. **(See next issue.)**

Authority to Make Appointments: Senate agreed to S. Res. 156, authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments after the sine die adjournment of the present session. **(See next issue.)**

Joint Session of Congress: Senate agreed to H. Con. Res. 194, providing for a joint session of Congress to receive a message from the President of the United States. **(See next issue.)**

Convening of Second Session: Senate passed S.J. Res. 39, to provide for the convening of the second session of the One Hundred Fifth Congress.

(See next issue.)

Thanks to the Vice President: Senate agreed to S. Res. 157, tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate. **(See next issue.)**

Thanks to the President pro tempore: Senate agreed to S. Res. 158, tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate. **(See next issue.)**

Commending the Democratic Leader: Senate agreed to S. Res. 159, to commend the exemplary leadership of the Democratic Leader. **(See next issue.)**

Commending the Majority Leader: Senate agreed to S. Res. 160, to commend the exemplary leadership of the Majority Leader. **(See next issue.)**

Conditional Adjournment: Senate agreed to S. Con. Res. 68, to adjourn sine die the 1st session of the 105th Congress. **(See next issue.)**

Homeowners Insurance Protection Act: Senate passed H.R. 607, to amend the Truth in Lending Act to require notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Lott (for D'Amato) Amendment No. 1637, in the nature of a substitute. **(See next issue.)**

Amending Senate Resolution: Senate agreed to S. Res. 161, to amend Senate Resolution 48. **(See next issue.)**

Chickasaw Trail Economic Development Compact: Senate passed H.J. Res. 95, granting the consent of Congress to the Chickasaw Trail Economic Development Compact, clearing the measure for the President. **(See next issue.)**

Washington Metropolitan Area Transit Regulation Compact: Senate passed H.J. Res. 96, granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact, clearing the measure for the President. **(See next issue.)**

No Electronic Theft Act: Committee on the Judiciary was discharged from further consideration of H.R. 2265, to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Private Relief: Senate passed S. 1172, for the relief of Sylvester Flis. **(See next issue.)**

Group Hospitalization and Medical Services, Inc. Charter: Senate passed H.R. 3025, to amend the Federal charter for Group Hospitalization and Medical Services, Inc., clearing the measure for the President. **(See next issue.)**

Lobbying Disclosure Technical Amendments Act: Senate passed S. 758, to make certain technical corrections to the Lobbying Disclosure Act of 1995. **(See next issue.)**

FAA Research, Engineering, and Development Authorization: Senate passed H.R. 1271, to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **(See next issue.)**

Lott (for McCain/Hollings) Amendment No. 1638, to make certain technical corrections. **(See next issue.)**

John N. Griesemer Post Office Building: Committee on Governmental Affairs was discharged from further consideration of H.R. 1254, to designate the United States Post Office building located at Bennett and Kansas Avenue in Springfield, Missouri, as the "John N. Griesemer Post Office Building", and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Library of Congress Real Property Acquisition: Senate passed H.R. 2979, to authorize acquisition of certain real property for the Library of Congress, clearing the measure for the President. **(See next issue.)**

Holocaust Survivors Reparations: Senate agreed to S. Con. Res. 39, expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors. **(See next issue.)**

A&M University Black Heritage Center: Senate passed S. 1559, to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University. **(See next issue.)**

Ocean Act: Senate passed S. 1213, to establish a National Ocean Council, and a Commission on Ocean Policy, after agreeing to a committee amendment, and the following amendment proposed thereto: **(See next issue.)**

Nichols (for Snowe/Hollings) Amendment No. 1639, in the nature of a substitute. **(See next issue.)**

Foreign Air Carrier Accidents: Senate passed H.R. 2476, to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers, clearing the measure for the President. **(See next issue.)**

Pilot Records Improvement: Senate passed H.R. 2626, to make clarifications to the Pilot Records Improvement Act of 1996, clearing the measure for the President. **(See next issue.)**

Authorizing Testimony: Senate agreed to S. Res. 162, to authorize testimony and representation of Senate employees in *United States* v. *Blackley*. **(See next issue.)**

Victims of Holocaust Restitution: Senate passed S. 1564, to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust. **(See next issue.)**

Dorothy Day Birth Anniversary: Senate agreed to S. Res. 163, expressing the sense of the Senate on the 100th anniversary of the birth of Dorothy Day and designating the week of November 8, 1997, through November 14, 1997, as ''National Week of Recognition for Dorothy Day and Those Whom She Served''. **(See next issue.)**

Enrollment Correction: Senate agreed to S. Con. Res. 69, to correct the enrollment of the bill S. 830. **(See next issue.)**

Technical Error Correction: Senate agreed to S. Con. Res. 70, to correct a technical error in the enrollment of the bill S. 1026. **(See next issue.)**

Customs Users Fees: Senate passed H.R. 3034, to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspectional personnel in connection with the arrival of passengers in Florida, clearing the measure for the President. **(See next issue.)**

Technical Corrections: Senate passed S. 1565, to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act. **(See next issue.)**

Reimbursement to Army Members: Senate passed H.R. 2796, to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning on October 1, 1996, and ending on May 31, 1997, clearing the measure for the President. **(See next issue.)**

Criminal and Unlawful Aliens: Committee on the Judiciary was discharged from further consideration of H.R. 1493, to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Criminal Use of Guns: Senate passed S. 191, to throttle the criminal use of guns, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

Military Personnel Voting Rights: Senate passed S. 1566, to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to protect the voting rights of military personnel. **(See next issue.)**

Passage Vitiated:

Military Construction Appropriations—Vetoed Provisions: Senate vitiated passage of S. 1292, disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45, and subsequently the bill was indefinitely postponed. **(See next issue.)**

District of Columbia Appropriations, 1998: Senate concurred in the amendments of the House to the amendment of the Senate to H.R. 2607, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, clearing the measure for the President. **Pages S12514–15**

Foreign Operations Appropriations, 1998—Conference Report: Senate agreed to the conference report on H.R. 2159, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, clearing the measure for the President. **Pages S12527–33**

Adoption Promotion Act: Senate concurred in the amendment of the House to the Senate amendment to H.R. 867, to promote the adoption of children in foster care, clearing the measure for the President. **(See next issue.)**

Commerce/Justice/State Appropriations, 1998—Conference Report: A unanimous-consent agreement was reached providing that when the Senate receives the conference report on H.R. 2267, making appropriations for the Departments of Commerce, Justice, and State, and related agencies for the fiscal

year ending September 30, 1998, the conference report be deemed agreed to, thus clearing the measure for the President. **(See next issue.)**

Further Continuing Appropriations: A unanimous-consent agreement was reached providing that when the Senate receives H.J. Res. 106, making further continuing appropriations, the resolution be deemed passed. **(See next issue.)**

Boys and Girls Clubs of America: Senate concurred in the amendment of the House to S. 476, to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000, clearing the measure for the President. **(See next issue.)**

AMTRAK Reform and Accountability Act: Senate concurred in the amendment of the House to S. 738, to reform the statutes relating to Amtrak, and to authorize appropriations for Amtrak, clearing the measure for the President. **(See next issue.)**

Distribution of Judgment Funds: Senate receded from its amendment No. 61 to H.R. 1604, to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission, clearing the measure for the President. **(See next issue.)**

Authority for Committees: All committees were authorized to file legislative and executive reports during the adjournment of the Senate on Wednesday, December 3, 1997, Tuesday, January 6, 1998, and Friday, January 16, 1998, from 10 a.m. to 2 p.m. **(See next issue.)**

Status Quo of Nominations: A unanimous-consent agreement was reached providing that all nominations received in the Senate during the 105th Congress, First Session, remain in status quo, notwithstanding the sine die adjournment of the Senate, with two exceptions. **(See next issue.)**

Nominations Confirmed: Senate confirmed the following nominations:

Raymond C. Fisher, of California, to be Associate Attorney General.

Rita D. Hayes, of South Carolina, to be Deputy United States Trade Representative, with the rank of Ambassador.

Gail W. Laster, of New York, to be General Counsel of the Department of Housing and Urban Development.

Lynn S. Adelman, of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.

William J. Lynn, III, of the District of Columbia, to be Under Secretary of Defense (Comptroller).

1 Navy nomination in the rank of admiral. **(See next issue.)**

Messages From the House: **(See next issue.)**

Measures Referred: **(See next issue.)**

Measures Read First Time: **(See next issue.)**

Executive Reports of Committees: **(See next issue.)**

Statements on Introduced Bills: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Notices of Hearings: **(See next issue.)**

Additional Statements: **(See next issue.)**

Adjournment Sine Die: Senate convened at 10 a.m. and in accordance with S. Con. Res. 68, adjourned sine die at 7:56 p.m.

Committee Meetings

(Committees not listed did not meet)

RENEWABLE TRANSPORTATION FUELS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine certain ways renewable fuels could assist in decreasing greenhouse gas emissions and increasing United States energy security, after receiving testimony from R. James Woolsey, former Director of Central Intelligence, and B. Reid Detchon, Biomass Energy Advocates, both of Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1172, for the relief of Sylvester Flis; and

The nominations of Barry G. Silverman, of Arizona, to be United States Circuit Judge for the Ninth Circuit, Carlos R. Moreno, to be United States District Judge for the Central District of California, Richard W. Story, to be United States District Judge for the Northern District of Georgia, Christine O. C. Miller, of the District of Columbia, to be a Judge of the United States Court of Federal Claims, and Robert S. Warshaw, of New York, to be Associate Director for National Drug Control Policy.

Also, committee resumed consideration of the nomination of Bill Lann Lee, of California, to be an Assistant Attorney General, Department of Justice, but did not complete consideration of, and recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 52 public bills, H.R. 3037–3088; and 13 resolutions, H.J. Res. 106, H. Con. Res. 196–200, and H. Res. 327–329 and 331–334, were introduced. **(See next issue.)**

Reports Filed: Reports were filed as follows:

Conference report on H.R. 2267, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998 (H. Rept. 105–405); and

H. Res. 330, waiving points of order against the conference report to accompany H.R. 2267, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998 (H. Rept. 105–406). **Pages H10809–64 (continued next issue)**

Increase Committee Subcommittees From 7 to 8: The House agreed to H. Res. 326, providing for an exception from the limitation of clause 6(d) of rule X for the Committee on Government Reform and Oversight, by a recorded vote of 219 ayes to 195 noes, Roll No. 634. **Pages H10790–93**

Earlier, agreed to order the previous question by yea and nay vote of 220 yeas to 194 nays, Roll No. 633. **Pages H10792–93**

Committee Resignation: Read a letter from Representative Cramer wherein he resigned from the Committees on Transportation and Infrastructure and Science. **Pages H10793–94**

Committee Election: The House agreed to H. Res. 328, amended, electing Representative Cramer to the Committee on Appropriations. Earlier, vacated the original vote on the resolution and agreed to the Fazio amendment to strike language electing Representative Pryce to the Committee on the Budget. **Page H10794**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Adoption Promotion Act: H. Res. 327, providing for the consideration of H.R. 867, to promote the adoption of children in foster care, and the Senate amendment thereto (agreed to by yea and nay vote of 406 yeas to 7 nays, Roll No. 635); **Pages H10776–90, H10794**

Boys and Girls Clubs: H.R. 1753, amended, to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000. Subsequently, S. 476, a similar Senate-passed bill, was passed in lieu after being amended to contain the text of H.R. 1753, as amended. Agreed to lay H.R. 1753 on the table; **Pages H10794–H10800 (continued next issue)**

Fifty States Commemorative Coin Program: S. 1228, to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States—clearing the measure for the President; **Pages H10800–03 (continued next issue)**

Atlantic Striped Bass Conservation: Agreed to the Senate amendments to H.R. 1658, to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws—clearing the measure for the President; **Pages H10803–04**

Ottawa and Chippewa Indians of Michigan: Agreed to Senate amendments numbered 1 through 60, 62 and 63 and disagreed to Senate amendment 61 to H.R. 1604, to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission; **Pages H10804–05**

National Peace Garden Memorial and Wild Horses at Cape Lookout National Seashore: S. 731, amended, to extend the legislative authority for construction of the National Peace Garden memorial; **Pages H10806–07**

Designation of Common Telecommunications Carriers: S. 1354, to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers—clearing the measure for the President—clearing the measure for the President; **Pages H10807–09**

Museum and Library Services Act: S. 1505, to make technical and conforming amendments to the Museum and Library Services Act—clearing the measure for the President; **(See next issue.)**

New Mexico Hispanic Cultural Center for Performing Arts: S. 1417, to provide for the design, construction, furnishing and equipping of a Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center—clearing the measure for the President; **(See next issue.)**

Allowing Blue Cross of the District of Columbia and Maryland Affiliation: H.R. 3025, to amend the Federal charter for Group Hospitalization and Medical Services, Inc.; **(See next issue.)**

Iraqi Regime Crimes Against Humanity: H. Con. Res. 137, expressing the sense of the House of Representatives concerning the urgent need for an

international criminal tribunal to try members of the Iraqi regime for crimes against humanity (agreed to by a yea and nay vote of 396 yeas to 2 nays, Roll No. 637); **(See next issue.)**

ASEAN 30th Anniversary: H. Res. 282, congratulating the Association of South East Asian Nations (ASEAN) on the occasion of its 30th Anniversary; **(See next issue.)**

American Commitment to Democracy for Viet Nam: H. Res. 231, amended, urging the President to make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam; **(See next issue.)**

Cooperation Between the United States and Mongolia: H. Con. Res. 172, amended, expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia; **(See next issue.)**

Situation in Kenya: H. Con. Res. 130, amended, concerning the situation in Kenya; **(See next issue.)**

Military Intervention by Angola into the Congo: H. Res. 273, amended, condemning the military intervention by the Government of the Republic of Angola into the Republic of the Congo. Agreed to amend the title; **(See next issue.)**

Senior Citizen Home Equity Protection: H.Res. 329, agreed to the Senate amendment to the House amendments to S. 562, to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, with an amendment; **(See next issue.)**

Enrollment Correction: H. Con. Res. 196, to correct the enrollment of S. 830, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products; **(See next issue.)**

Customs User Fees: H.R. 3034, to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspection personnel in connection with the arrival of passengers in Florida; **(See next issue.)**

Children of Vietnamese Reeducation Camp Internees: H.R. 3037, to clarify that unmarried children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program; **(See next issue.)**

Reimbursing Bosnian Troops for Out-of-Pocket Expenses: H.R. 2796, amended, to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning on October 1, 1996, and ending on May 31, 1997; **(See next issue.)**

Amtrak Reform and Accountability Act: S. 738, amended, to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak. Earlier, agreed to the Shuster technical amendment; **(See next issue.)**

Calling for Resignation of Sara E. Lister: H. Con. Res. 197, calling for the resignation or removal from office of Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs: **(See next issue.)**

Recess: The House recessed at 4:51 p.m. and reconvened at 5:25 p.m. **(See next issue.)**

Law Revision Counsel: The Speaker announced the appointment of John R. Miller as Law Revision Counsel for the House of Representatives, effective November 1, 1997. **(See next issue.)**

General Counsel: The Speaker announced the appointment of Geraldine R. Gennet as General Counsel of the United States House of Representatives effective August 1, 1997. **(See next issue.)**

Adjourn Sine Die: The House agreed to, S. Con. Res. 68, to adjourn sine die the 1st Session of the 105th Congress by a yea and nay vote of 205 yeas to 193 nays, Roll No. 638. **(See next issue.)**

Convening of 2nd Session: The House passed S.J. Res. 39, providing for the convening of the 2nd Session of the 105th Congress. **(See next issue.)**

Committee Resignation: Read a letter from Representative Portman wherein he resigned from the Committee on Government Reform and Oversight. **(See next issue.)**

Committee Election: The House agreed to H. Res. 331 electing Representative Miller of Florida to the Committee on Government Reform and Oversight. **(See next issue.)**

Committee to Notify the President: Pursuant to H. Res. 320, the Chair announced the appointment of Representative Armey and Representative Gephardt, as members on the part of the House, to the committee to notify the President that the House has completed its business and is ready to adjourn. **(See next issue.)**

Commerce, Justice, and State, the Judiciary Appropriations: The House agreed to the conference report on H.R. 2267, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year

ending September 30, 1998 by a yea and nay vote of 282 yeas to 110 nays, Roll No. 640.

(See next issue.)

Rejected the Obey motion to recommit the Conference Report to the Committee of Conference by a yea and nay vote of 171 yeas to 216 nays, Roll No. 639. (See next issue.)

H. Res. 330, the rule that waived points of order against the conference report was agreed to by a yea and nay vote of 285 yeas to 113 nays, Roll No. 636.

(See next issue.)

Further Continuing Appropriations: Considered by unanimous consent, the House passed H.J. Res. 106, making further continuing appropriations through November 26, 1997 for the fiscal year 1998. (See next issue.)

United States Institute for Environmental Conflict Resolution: Considered by unanimous consent, the House passed H.R. 3042, to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training.

(See next issue.)

Presidential Veto Message—Military Construction Projects: Read a message from the President wherein he announces his veto of H.R. 2631, ''An Act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45,'' and explains his reasons therefor referred to the Committee on Appropriations and ordered printed (H. Doc. 105–172). (See next issue.)

Representative Foglietta of Pennsylvania Introduced Measure: Agreed that Representative Johnson of Wisconsin may hereafter be considered as the first sponsor of H. Con. Res. 47, a bill originally introduced by Representative Foglietta for the purposes of adding co-sponsors and requesting reprints.

(See next issue.)

Postponed Suspensions—Considered on September 29: Agreed by unanimous consent that the House be considered to have adopted a motion to suspend the rules and pass each of the following measures considered by the House on Monday, September 29, 1997: S. 1161, H.R. 2233, H.R. 2007, H.R. 1476, H.R. 1262, H.R. 2165, H.R. 2207, S. 819, S. 833, H.R. 548, H.R. 595, and H. Con. Res. 131, as amended today. Agreed that S. 1193, the counterpart of H.R. 2036 be considered as passed; and H.R. 2036 was laid on the table. (See next issue.)

Majority Members to Serve on Investigative Subcommittees: Read a letter from the Speaker wherein he named Representatives Bateman, Bryant, Deal of Georgia, Hastings of Washington, McCrery, McKeon, Miller of Florida, Portman, Talent, and Thornberry to serve as needed on investigative subcommittees related to the Committee on Standards of Official Conduct. (See next issue.)

Minority Members to Serve on Investigative Subcommittees: Read a letter from the Minority Leader wherein he named Representatives Clyburn, Doyle, Edwards, Klink, Lewis of Georgia, Meek of Florida, Scott, Stupak, and Tanner as needed on investigative subcommittees related to the Committee on Standards of Official Conduct. (See next issue.)

Unanimous Consent Consideration: Agreed that the following measures be considered as passed or adopted respectively: S. 1565, S. 1559, S. Con. Res. 70, S. 156, and H. Res. 322, as amended.

(See next issue.)

Late Report: Agreed that the Committee on Banking and Financial Services be permitted to file a report on H.R. 217 no later than December 19, 1997.

(See next issue.)

Senate Messages: Messages received from the Senate today appear on pages H10793 (continued next issue).

Quorum Calls—Votes: Seven yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H10792–93, H10793 (continued next issue). There were no quorum calls.

Adjournment: Met at 10:00 a.m. and pursuant to the provisions of S. Con. Res. 68, adjourned at 10:44 p.m. sine die.

Committee Meetings

EAST ASIAN ECONOMIC CONDITIONS

Committee on Banking and Financial Services: Held a hearing on East Asian Economic Conditions. Testimony was heard from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System; Lawrence H. Summers, Deputy Secretary, Department of the Treasury; and public witnesses.

TOBACCO SETTLEMENT

Committee on Commerce: Held a hearing on the Tobacco Settlement: Views of the Administration and the State Attorneys General. Testimony was heard from Donna E. Shalala, Secretary of Health and Human Services; Gal Norton, Attorney General, State of Colorado; and Christine Gregorie, Attorney General, State of Washington.

"JOHNNY CHUNG—HIS UNUSUAL ACCESS TO THE WHITE HOUSE, HIS POLITICAL DONATIONS, AND RELATED MATTERS"

Committee on Government Reform and Oversight: Held a hearing on "Johnny Chung—His Unusual Access to the White House, His Political Donations, and Related Matters". Testimony was heard from Nancy Hernreich, Deputy Assistant to the President for Appointments and Scheduling, Executive Office of the President; Kelly Crawford, former Staff Assistant to Nancy Hernreich; Maggie Williams, former Chief of Staff to the First Lady, and the following officials from the Democratic National Committee: Carol Khare, Assistant to Donald L. Fowler, Chairman, and Ceandra Scott, staff member.

Hearings continue tomorrow.

MISCELLANEOUS MEASURES

Committee on International Relations: Approved a motion to request the Chairman to place the following resolution on the suspension calender, H. Res. 322, amended, expressing the sense of the House that the United States should act to resolve the crisis with Iraq in a manner that assures destruction of Iraq's ability to produce and deliver weapons of mass destruction, and that peaceful and diplomatic efforts should be pursued, but that if such efforts fail, multilateral military action or, as a last resort, unilateral United States military action should be taken. The Committee also held a hearing on Bonn to Kyoto: The Administration's Position on the Climate Change Treaty. Testimony was heard from Timothy E. Wirth, Under Secretary, Global Affairs, Department of State

NATIONAL BANKRUPTCY REVIEW COMMISSION REPORT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing regarding the National Bankruptcy Review Commission Report. Testimony was heard from the following officials from the National Bankruptcy Review Commission: Brady C. Williamson, Chairman, Judge Edith Hollan Jones, United States Court of Appeals for the Fifth Circuit, Member, and Babette A. Ceccotti, Member.

U.S. COMPUTER EXPORT CONTROL POLICY

Committee on National Security: Held a hearing on U.S. supercomputer export control policy. Testimony was heard from William A. Reinsch, Secretary, Export Administration, Department of Commerce; following officials from the Department of Defense; Mitchel B. Wallerstein, Deputy Assistant Secretary for Counterproliferation Policy, Stephen Bryen, Former Director Defense Technology Security Administration; and public witnesses.

CONFERENCE REPORT—COMMERCE, JUSTICE, STATE, THE JUDICIARY APPROPRIATIONS ACT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report on H.R. 2267, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative Rogers.

AIRCRAFT MISHAPS—INCREASING NUMBER

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on the increasing number of aircraft mishaps on our Nations's runways. Testimony was heard from Representative Kucinich; Jim Hall, Chairman, National Transportation Safety Board; the following officials from Department of Transportation; Ken Mead, Inspector General; Ronald Morgan, Director of Air Traffic, Federal Aviation Administration, and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *p. D1259)*

H.R. 2013, to designate the facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, Rhode Island, as the "David B. Champagne Post Office Building". Signed November 10, 1997. (P.L. 105–70)

H.J. Res. 105, making further continuing appropriations for the fiscal year 1998. Signed November 10, 1997. (P.L. 105–71)

S. 1227, to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title. Signed November 10, 1997. (P.L. 105–72)

H.R. 2464, to amend the Immigration and Nationality to exempt internationally adopted children 10 years of age or younger from the immunization requirement in section 212(a)(1)(A)(ii) of such Act. Signed November 12, 1997. (P.L. 105–73)

S. 587, to require the Secretary of the Interior to exchange certain lands located in Hinsdale County, Colorado. Signed November 12, 1997. (P.L. 105–74)

S. 588, to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest, Colorado, to include land known as the Slate Creek Addition. Signed November 12, 1997. (P.L. 105–75)

S. 589, to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness,

White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys. Signed November 12, 1997. (P.L. 105–76)

S. 591, to transfer the Dillon Ranger District in the Arapaho National forest to the White River National Forest in the State of Colorado. Signed November 12, 1997. (P.L. 105–77)

H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998. Signed November 13, 1997. (P.L. 105–78)

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 14, 1997

Senate

No meetings are scheduled.

House

Committee on Government Reform and Oversight, to continue hearings on ''Johnny Chung—His Unusual Access to the White House, His Political Donations, and Related Matters'', 12 p.m., 2154 Rayburn.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED FIFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 7 through November 13, 1997

	Senate	*House*	*Total*
Days in session	153	132	
Time in session	1093 hrs., 07′	1003 hrs., 42′	..
Congressional Record:			
Pages of proceedings	11575	9866	..
Extensions of Remarks		2165	..
Public bills enacted into law	19	59	..
Private bills enacted into law	1	1	..
Bills in conference	..	1	..
Measures passed, total	385	541	..
Senate bills	123	50	..
House bills	101	243	..
Senate joint resolutions	5	3	..
House joint resolutions	16	19	..
Senate concurrent resolutions	30	13	..
House concurrent resolutions	19	44	..
Simple resolutions	92	169	..
Measures reported, total	*248	*373	..
Senate bills	159	4	..
House bills	32	243	..
Senate joint resolutions	2	1	..
House joint resolutions	2	11	..
Senate concurrent resolutions	13	..	..
House concurrent resolutions	2	9	..
Simple resolutions	38	105	..
Special reports	22	13	..
Conference reports	..	20	..
Measures pending on calendar	111	39	..
Measures introduced, total	1839	3662	..
Bills	1568	3036	..
Joint resolutions	39	105	..
Concurrent resolutions	163	195	..
Simple resolutions	69	326	..
Quorum calls	6	7	..
Yea-and-nay votes	298	284	..
Recorded votes	..	349	..
Bills vetoed	..	2	..
Vetoes overridden	..	..	..

*These figures include all measures reported, even if there was no accompanying report. A total of 158 reports have been filed in the Senate, a total of 406 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 7 through November 13, 1997

Civilian nominations, totaling 500, disposed of as follows:	
Confirmed	361
Unconfirmed	124
Withdrawn	13
Returned to White House	2
Civilian nominations (FS, PHS, CG, NOAA), totaling 3,105, disposed of as follows:	
Confirmed	3,019
Unconfirmed	86
Air Force nominations, totaling 8,141, disposed of as follows:	
Confirmed	8,120
Unconfirmed	21
Army nominations, totaling 6,246, disposed of as follows:	
Confirmed	6,244
Unconfirmed	2
Navy nominations, totaling 6,157, disposed of as follows:	
Confirmed	6,153
Unconfirmed	4
Marine Corps nominations, totaling 1,679, disposed of as follows:	
Confirmed	1,679
Unconfirmed	0

Summary

Total nominations received	25,828
Total confirmed	25,576
Total unconfirmed	237
Total withdrawn	13
Total returned to the White House	2

Next Meeting of the SENATE

12 noon, Tuesday, January 27, 1998

Senate Chamber

Program for Tuesday: Convening of the second session of the 105th Congress.

(Senate will meet in joint session with the House of Representatives at 9 p.m. to receive an address from the President of the United States on the State of the Union.)

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Tuesday, January 27, 1998

House Chamber

Program for Tuesday: Convening of the second session of the 105th Congress; State of the Union Address.

(Senate and House proceedings for today will be continued in the next issue of the Record.)

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