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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:

Gracious Father, help us to live beyond the meager resources of our adequacies and learn that You are totally reliable when we trust You completely. You constantly lead us into challenges and opportunities that are beyond our erudition and experience. We know that in every circumstance You provide us with exactly what we need.

Looking back over our lives, we know that we could not have made it without Your intervention and inspiration. And when we settle back on a comfortable plateau of satisfaction, suddenly You press us on to new levels in the adventure of leadership. You are a disturber of false peace, the developer of dynamic character, and the ever-present Deliverer when we attempt what we could not do on our own. Thank You for the tangible evidence of Your answer to our prayers for an agreement on the budget.

May this be a day in which we attempt something beyond our human adequacy and discover that You are able to provide the power to pull it off. Give us a fresh burst of excitement for the duties of this day so that we will be able to serve courageously. Indeed, we will attempt great things for You and expect great things from You. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will be in a period of morning business until 11:30 a.m. Following the morning business period, at 11:30 a.m., the Senate will resume consideration of S. 1022, the Commerce, Justice, State appropriations bill. Under the order, Senator WELLSTONE will be recognized for 1 hour, equally divided, to debate his two amendments to the bill.

In addition, from 12:30 to 2:15 p.m., the Senate will recess for the weekly policy luncheons to meet. And by consent, at 2:15 p.m., the Senate will then proceed to a series of votes on the remaining amendments in order to S. 1022, the State, Justice, Commerce appropriations bill, including final passage.

Also, by previous consent, following the votes at 2:15 p.m., the Senate will resume the Transportation appropriations bill. As previously announced, all amendments to the Transportation appropriations bill must be offered and debated during today's session. Therefore, additional votes can be anticipated throughout today's session of the Senate.

I thank my colleagues for their attention.

It appears to me that perhaps we do not have a quorum. As a matter of fact, I suggest to you, Mr. President, the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 1022

Mr. ROBERTS. I ask unanimous consent, Mr. President, that the votes scheduled to begin at 2:15 p.m. today now begin at 3:30 p.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2015

Mr. ROBERTS. Mr. President, I further ask unanimous consent that the Senate begin consideration of the conference report to accompany H.R. 2015 at 12 noon, Wednesday, regardless of the receipt of the papers from the House.

The PRESIDENT pro tempore. Without objection, it is so ordered.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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 11:30 a.m., with Senators permitted to speak up to 5 minutes each.

Mr. REID. I ask unanimous consent that I be allowed to speak for 10 minutes, Mr. President.

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

LAKE TAHOE PRESIDENTIAL FORUM

Mr. REID. Mr. President, approximately 1 year ago I asked President Clinton to convene a summit on the environmental problems facing Lake Tahoe. He did convene a summit in Lake Tahoe this past Friday and Saturday. Vice President GORE and President Clinton both came to Lake Tahoe.

Mr. President, Mark Twain said that Lake Tahoe is ''the fairest picture the

whole Earth affords.'' I think Mark Twain was right. That beautiful lake, that is shared by the States of Nevada and California, is the fairest place in all the Earth.

That beautiful piece of real estate is also shared with the Federal Government because the Federal Government owns about 75 percent of the land mass within the Tahoe basin.

The reason, Mr. President, that the President was asked to come to Lake Tahoe is because that beautiful resource is in distress. Approximately 50 percent of the trees in the basin are dead or dying. Erosion is taking away the beautiful clarity of that lake. The clarity of that lake is leaving at the rate of over a foot a year because of erosion and pollutants going into that lake. Additionally, we have tremendous fear, through the whole basin, of forest fires.

Lake Tahoe is clearly the crown jewel of our national treasures and it must be preserved.

Mr. President, we should all be proud of what took place there these past several months. The planning and execution of the summit involved over 1,000 local people. We had four Cabinet officers who came to the area on more than one occasion. The workshops and the forums that were held prepared the Vice President and the President for their visits. It was not the result of the President coming and saying, ''Here's what we are going to do.''

In fact, what the President decided to do was based upon what the thousand people said should be done. It was not possible to determine who was speaking, whether it was an environmentalist, an owner of a business in the area, or a local government official. They were all speaking as if they were singing from the same sheet of music.

In fact, the President said that one of the most remarkable things is that this summit, this Presidential forum set the pattern of how disputes should be resolved all around the world, not only in our own country, because he felt that people joined together for a common cause and decided that the environment could be taken care of and the economy could still grow. The people said that unanimously. At Lake Tahoe, there is no false choice between the economy and the environment. Each depends upon the other.

The people of the Tahoe Basin and the States of California and Nevada agree that something must be done. They asked for a partnership with the Federal Government, and they got that partnership.

Holding such a forum at this time is critical: If we continue our current path for another 10 years, the damage already done would become irreversible. If we continue on our current path for 30 years, Lake Tahoe will be no better than any other lake. It will be just an average lake. This would be devastating to the people of this country.

Lake Tahoe is not just another lake and we must not let it become one.

We have tens of millions of visitors each year that visit the lake. We can no longer let the lake be treated the way it has been in the past. History will not be kind to us if we let this jewel slip away. We have been given a gift, and we must provide adequate stewardship over this gift.

I have indicated that 75 percent of the land in the basin is federally owned. There is a Federal responsibility to do our share.

Mr. President, when the President came, he not only acknowledged that there was a problem with the lake, but this was more than a photo opportunity. The President came and signed an Executive order indicating that all Federal agencies would have to work together to save the lake.

The first chairman of the Federal task force is Secretary Glickman. The first work being done as a result of the President's visit started yesterday. Some of the things being done I think are significant. I am not going to mention the 28 different action items that the President initiated that have dollar signs attached to them, but it is about $50 million worth over two years, a doubling of the current effort.

One of the things that so impressed me is that the President said that this year 29 miles of old logging roads will be obliterated. Some of the roads have been in existence for more than 100 years going back to the days of the Comstock when they took away all the forests in the area to satisfy the voracious appetite of the mines in the Virginia City area. After 10 years, all the old roads will be gone. These roads have added significantly to the erosion that has taken place in that lake over these many years.

In addition to that, Mr. President, there will be work done on watershed assessments so that people will understand what we are dealing with there. Two million dollars will be used to clear dead brush and deadwood from the more than 3,500 federally owned lots. These lots have been purchased as a result of Federal lands being sold 500 miles away in the Las Vegas area. These lots now need to be cleaned up. As a result of the action of the President, they will be cleaned up.

The Forest Service also, Mr. President, will begin a program immediately of prescribed burns. We spend about $1 billion a year fighting fires in this Nation. We are now going to spend part of these moneys starting controlled fires. It is the only way that that forest around Lake Tahoe can be regenerated and made safe. In the past we have burned about 100 to 200 acres a year. This will be an increase of up to 1,000 acres a year which will be burned carefully and on purpose.

The Forest Service will also use prescribed fires, and other means, to reduce fuels on another 4,000 acres per year. This will be 4,000 acres a year that will become a much better, safer place.

Mr. President, the work that was done these past 3 months is something that I think we should all be proud of. It shows that the Federal Government can work with State and local governments in a nonadversarial way. I think what took place here is an indication of what can take place in the future in other areas around the country.

It is possible, I repeat, that you can grow the economy and protect and preserve the environment, as indicated with the work that has taken place in the Lake Tahoe area during the last 3 months. Lake Tahoe and the area around there is only 26 percent registered Democrats. But it was impossible to determine, these past 3 months, who was a Democrat and who was a Republican. Everyone joined together to recognize that this great lake is in trouble and that we all need to work together—a Democratic President and a Republican Congress.

I hope, Mr. President, that the American people realize that we can work together, as indicated by the budget agreement that has been worked out around here these past few weeks, and that we can work together on difficult problems, not only environmental problems, but economic problems.

So, I'm very happy that the President accepted my invitation to come to Lake Tahoe. I think that his coming there was a home run for the economy and the environment and government in general.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Thank you, Mr. President.

THE BUDGET AGREEMENT

Mr. DORGAN. Mr. President, today, we learned that last evening the White House and congressional leaders reached agreement on a budget and tax cut proposal. I think that will be good news for the American people.

I have been in Congress for some long while, as has been the Presiding Officer, and we have seen budgets and more budgets. We have seen claims and counterclaims. We have seen good times and bad times. We have seen economies that are expanding and economies that are contracting.

I remember the action taken in 1993 by this Congress, at a point in time in 1993 when the budget deficit was swelling in an almost uncontrolled manner and the budget deficit was, in the unified budget, over $290 billion—if you count all the money the way you ought to, it was well over $300 billion—and then in 1993, with that deficit out of control, this Congress took action. By one vote here in the Senate and one vote in the other body, this Congress passed what should be called the Balanced Budget Act. We then called it a deficit reduction bill. And it has worked.

From 1993 until now, we have seen the budget deficit go down, down, down and way down. That has allowed, I think, the American people to be more

confident about this Congress' willingness and ability to deal with fiscal policy in a responsible way. The economy has blossomed and provided more economic growth, and because of that, unemployment has gone down, way down; inflation is down, way, way down; and because all the economic indicators are good and because economic growth has been up, we have seen the budget deficit now nearly disappear.

As a result of this economic boom, Members of Congress, working with the President, have reached a budget accord on not only spending issues for the coming 5 years, but also the question of what kind of tax reductions should be made available.

The one thing that is certain about all of us is that none of us will be around here 100 years from now; 100 years from now, we will all be gone. We will be faint memories. And 100 years from now, if someone wanted to look and evaluate what was this Congress about, what were the American people about, what did they hold dear and what did they think was important, they could look back a century at the budget of the United States of America 100 years prior to that time and evaluate what that Congress and the American people felt they should spend their money on, what they felt they should invest in. So 100 years from now, if they look back and evaluate what it is we held most dear, what we thought was most important, they could look into this budget agreement and evaluate what, in July 1997, motivated these men and women, what did they think was important.

The reason I came to the floor this morning is I think a number of the impulses in this budget agreement and the tax agreement are precisely the right kind of impulses for this Congress and for the American people to act on. First of all, I have, over time, tended to categorize the policy issues as kids, jobs and values; working on the issues of kids, jobs and values. Somehow the threading of those issues together in providing the right kinds of policy initiatives gives us the right direction.

Well, let's take a look at what's in this budget agreement and the proposal on tax reductions relative to kids, jobs and values.

First of all, what has happened in this agreement is the President pushed, and we pushed, and we pushed some more, and we have in an agreement a substantial new investment in education, $35 billion worth of tax relief targeted for education. This agreement says to the American people that when you send your kids to college, you are going to get a tax credit that is an inviting and important tax credit for you.

Why is that important? Because there is no substitute for education. A society, a country that is not educated is not going to improve and advance. Thomas Jefferson once said, ''Those who believe a country can be both ignorant and free believe in something that never was and never could be.''

So this agreement, thanks to the President, thanks to many of us in Congress who pushed and pushed and pushed and would not quit, says to parents who are going to send their kids to school, there is $35 billion for investment in education in the form of tax credits, a 100 percent tax credit for the first $1,000 you spend in sending your child to college, and 50 percent of the second $1,000 in the first 2 years of postsecondary education. This agreement says education is important. That is the one that says kids and their future represent the future of this country.

Also, child health. Twenty-four billion dollars in this agreement is dedicated to insure more children in this country who are now uninsured. Of the 10 million children who have no health insurance and no health coverage, 5 million of those children will be able to see the benefits of health insurance under this piece of legislation. That is a priority. That represents the kids portion of what we deem important here in this Congress and in our country. For poor children, 5 million poor children, the question of whether they get health care will no longer be a function of whether their parents have money. Health care for those sick children ought to be a right. And this budget agreement—again, thanks to this President and to many of us in Congress who pushed very hard to say children's health is important; when we have 10 million children without health coverage, we had to do something about it—moves a giant step in that direction.

Jobs, values. Well, this proposal on the budget and on taxes also is a proposal that says that saving is important. Savings and investment are important. It manifests that by the tax incentives; it says that we want the American people to have the incentives to save and to invest by providing tax incentives for that purpose. My grandmother, who is gone now, bless her soul, once said to me, ''You know, Byron, I never hear anybody talking about saving up to buy anything anymore because the whole economy is to say, 'Come over here and buy this, we will give you a rebate and give you the product, and you don't have to make the first payment for 6 months.''' That is the whole economy these days.

But the fact is, our economic strength and future economic growth rests on the ability to promote savings and, therefore, investment. Savings is critically important, and this budget agreement provides incentives, more tax incentives, for savings.

Home ownership. This tax agreement provides substantial tax help for those who sell their home and who now will no longer be paying any kind of capital gains tax on the value of that home sale.

Most importantly, with respect to children again, is the children's tax credit, a $500 tax credit. It is phased in in different ways. But the fact is, for those families who have children and who are struggling to make ends meet and pay bills and go to work every day and provide for their children's needs and send their kids to school, this provides a $500 child tax credit. The President pushed for that, the Congress pushed for that. That is also part of this agreement.

Now, we had a big fight about who is going to get that and should some children be left out because their parents don't make enough money—both parents working, both at minimum wage, neither of which pay much income taxes, but both of which pay a substantial payroll tax, and the payroll tax is the tax that has been increasing.

This agreement, as I understand it from last evening, does move in the direction of saying, yes, you are a taxpayer, if you make $25,000 a year and don't pay much in income tax but if you are paying a payroll tax, we consider you a taxpayer, and we think you deserve some tax reduction as well. So this $500 per child tax credit is going to be very beneficial to a good number of families who feel the pinch of the burden of taxes that they would like to be relieved of if they could in order to better provide for themselves and their families.

Now, I happen to think that the first goal and the first objective of eliminating the budget deficit is the important one. I want to go back to 1993, which is where I started this discussion. In 1993, when we passed on the floor of this Senate a budget agreement which we thought of as the Deficit Reduction Act. I voted for it. It wasn't the popular thing to do and certainly wasn't the political thing to do. There was nothing but political heartache and headache as a result of voting for that. It passed by only one vote. Some of my colleagues are no longer in this Chamber because they voted for it. They were defeated or they left.

I think, in retrospect, that history will show that, in 1993, this Congress turned the corner and made a U-turn and said to the American people: we want to tell you something. We are committed to deficit reduction and we are willing to make the tough choices and demonstrate that to you. And we passed the Deficit Reduction Act, which should really be called the Balanced Budget Act, because that is what has created the confidence in this country by the American people that Congress was willing to head in the right direction.

We have all these economists in the country who explain to us what has happened and what will happen. Most of them don't have the foggiest notion of either what happened or what will happen. I used to teach economics for a couple of years in college. I think economics is principally psychology pumped up with a little helium. All these economists tell us what is going to happen. Well, in 1993, we had this what I call the Balanced Budget Act, which I voted for. We had people here,

some of whom were economists, stand up and say, ''If you pass this legislation, this economy is going to go in the tank. We are going to have a recession, or a depression, and joblessness.'' I mean, the predictions were very dire.

In fact we passed that legislation and we have had unemployment go straight down, new jobs go straight up, inflation go straight down, and the deficit go straight down. The unified budget deficit was $290 billion in 1992. This year it may end up at less than $40 billion. The economy is on better footing. Why? Because it is not the economists that understand what is going on.

This economy rests on a cushion of confidence. If the American people are confident about what we are doing and the direction in which this country is heading, then they make the right decisions. ''We are confident about the future,'' they say, so they buy the next washer and dryer or the next car and make the decision to purchase a home.

If they are not confident, they make the other decision. ''We will defer the purchase. We will not buy the car. We won't buy the home. We won't buy the washer and dryer. We won't buy the refrigerator.'' And, as a result, the economy contracts.

But this economy is expanding. Why? Because in 1993 this Congress made the right decision—the tough decision—to put this country on the right course. It allows us now, in 1997, to make some other decisions. Yes, to make budget choices that are the right choices in many cases and to make tax reduction decisions that will be good decisions for many families in this country.

Are there some things in this piece of legislation that I don't like? Sure. There are probably some of them I don't yet know about.

Watching this crowd work on budget issues is a lot like taking your car to a garage. Once they lift your hood and tell you what they are charging you for, you do not have the foggiest idea what they are talking about. Some of that same mentality can certainly be true about the budget negotiations here in Congress because they are down there outside the regular committee process making deals. And I am sure that I will discover things that give me heartburn and stomach ache with respect to what they have put in this legislation. So, will there be some things that I don't like? Yes.

But, in the main, have we succeeded in pushing and pushing the kind of agenda that is important for this country? Have we expanded health insurance for 5 million kids? Have we provided a $500 tax credit that goes to working families—yes, all working families? Have we improved your ability to pass on a family farm or a small business to your sons and daughters who want to run it with the estate tax changes that are in this piece of legislation that Senator DASCHLE from South Dakota worked on and that I worked and others have worked on? Have we helped you to more easily send your kid to college and get tax credit for doing so, helped working families so that their kids have the opportunity to go to college? Have we done all of these things? The answer is: yes, we have.

Are they going to be helpful? I think so.

So I come to the floor today feeling that we are moving in the right direction and we are making the right decisions. Frankly, I am one who believes that the ability for the Republicans and Democrats to get together and work together and have common goals together for the future of this country is good for this country. Sometimes we should fight over things, and we do. We fought, for example, over the question of whether a family that is going to make $25,000 a year working full time should have access to the $500-per-child tax credit. Some in Congress said, absolutely not, because they are not paying much of an income tax. We said absolutely that they should get it, because they are paying taxes—significant payroll taxes. So we fight about those things.

But I am pleased to say that in the main much, much more of what we fought for is going to be in this conference agreement. I think the joining of the issues today on these range of issues in this budget agreement will spell good news for this country.

Let me finally mention one additional point. As we proceed to do these things on both the spending side and the tax side of this budget reconciliation agreement, it is very, very important that all of us decide that the budget deficit still matters, and at the first sign of ratcheting up a budget deficit once again, this Congress must take action. What we hope will happen is that this agreement will continue the economic growth we have had, and to the extent it does, that we will have a balanced budget not only in the year 2002 and perhaps even before, but also in subsequent years thereafter.

But when and if it appears that expenditures will exceed revenues—that we will run a deficit—then this Congress must be prepared to take action to stop it, because balanced budgets are important.

Now we have some room to provide some capability of tax cuts and some other things in the budget agreement that makes some sense for the American families. But American families most of all understand that balancing the budget is what will give them confidence in this economy. They know that balancing the budget is what will give this country the chance to grow and to provide jobs and to provide hope for all Americans, now and in the years to come.

Mr. President, I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RESULTS OF THE 1993 BUDGET PLAN

Mr. CONRAD. Mr. President, I rise to comment briefly on the agreement that has now been reached between negotiators on the budget and tax package. That agreement will soon be before us.

I would like to put what has happened in some historical perspective. I have been reading and listening to the commentary over the last several days of how we got to the position we are in today, in which we can consider significant tax relief and continue on a path to balance the unified budget by the year 2002.

I think we have to go back to 1993 when President Clinton came into office and faced a $290 billion deficit he had inherited from the year before. I think we have to go back to the economic plan that he laid on the table to get our fiscal house in order and to lay the basis for strong economic growth.

When we go back to that period, I think we remember the situation we confronted. Deficits had been growing, were out of control. There were many who wondered if the best years of the United States were behind us.

The President put out an economic plan that proposed cutting spending. It also proposed higher taxes on the wealthiest among us, asking the wealthiest 1 percent in this country to pay higher income taxes. That plan passed the Congress. In fact, it passed in this body only because the Vice President of the United States broke a tie and voted in favor. There were those on the other side of the aisle who said this plan, which was going to raise taxes on the wealthiest and was going to have spending cuts, was going to crater the economy. They said at the time it was going to increase unemployment; it was going to reduce economic growth. All these bad things were going to happen.

Now we can look back and see what has really happened. None of the bad things came true. Instead, what we have seen is really a remarkable economic record.

Just with respect to the deficit, the so-called unified deficit, it was $290 billion in 1992 and came down every year under that economic plan. This year, the most recent projection was $67 billion, but even that is now outdated. We are now told that the deficit this year may be $45 billion, or may be as little as $30 billion.

So the fact is that the economic plan which passed in 1993, a 5-year plan, has exceeded every expectation. The deficit has come down each and every year under that economic plan and come down sharply. In fact, we are close to balancing the unified budget without any additional action. According to the

Office of Management and Budget, if one looks at long term savings, what one sees is the savings from the 1993 deficit reduction package are $2 trillion over 1994–2002. The budget agreement that the Senate will consider tomorrow is about $200 billion, about one-tenth as much. So if we go back and look at what made a difference here, the 1993 economic plan is the reason we have seen such dramatic deficit reduction and is the reason why we are in a position now to have tax relief for hard-pressed American taxpayers.

It is very interesting to go back and review the record of what has happened in this economy since that 1993 economic plan was adopted. By the way, it is the only economic plan that was adopted during that period. It was adopted without any help from the other side, and now we can look at the record.

The misery index. We used to talk a lot about the misery index. That is the combined rate of unemployment and inflation. The combined rate on July 14, 1997: 8.7 percent, the lowest average since the Johnson administration. That is a long time. Inflation: 2.8 percent per year, the lowest average since the Kennedy administration.

Employment. Our friends on the other side of the aisle said when we passed the 1993 plan—it is still ringing in my ears—I remember a Senator on the other side of the aisle saying this was going to crater the economy. It was going to increase unemployment. It was going to reduce economic growth. It was going to be devastating. Well, we can now look back and see what happened. Employment has increased by 12.5 million new jobs—the only administration to exceed 11 million in our history.

Deficit reduction. I have already talked about that. We have seen the unified deficit go from $290 billion to this year perhaps as little as $45 billion. Maybe even less. Business investment has grown at 10.5 percent a year, the fastest growth since the Kennedy administration.

The stock market. We all know what has happened to the stock market. It has gone from 3,242 on January 20, 1993, when this President took office, to 7,922 on July 11 of this year. Now we know it is over 8,000—the fastest growth since World War II.

And the poverty rate. The poverty rate in this country has declined from 15.1 percent in 1993 to 13.8 percent in 1995—the largest drop since the Johnson administration. Median family income has gone up $1,600 between 1993 and 1995—the fastest growth since the Johnson administration.

Mr. President, I recall this history because I think it is important. It is important to understand what has worked in terms of economic policy. Some said in 1993, if you raise taxes on anybody in this country, that will have a devastating economic impact.

They were wrong. They were simply wrong. I believe the reason they were wrong is because the benefits of deficit reduction to the economy far outweighed any negative consequences. No question, when you raise taxes that creates some drag in the economy. But it also had a beneficial component. The beneficial component was that deficit reduction took pressure off interest rates because we really did reduce the deficit.

The fact there was a move to ask the wealthiest 1 percent in this country to pay more in income taxes combined with the spending cuts of the 1993 plan meant the deficits came down. That meant there was less Government borrowing. That took pressure off of interest rates. Interest rates came down. In fact, we know every 1 percent reduction in interest rates takes $128 billion a year off this economy. That is lower borrowing costs for businesses, lowering borrowing costs for farmers, lowering borrowing costs for individuals. And that made a profound difference in this economy. It helped this economy reignite. And, again, since 1993, we see the results—not only this dramatic decline in the deficit as a result of that economic plan, but also a remarkable resurgence of economic growth, savings, and investment. We've seen the lowest level of core inflation in 31 years, and in May the lowest unemployment rate in 24 years. That is a remarkable economic record.

Some who are listening will say, well, Senator, you can't attribute this all to the 1993 plan. Fair enough. You cannot attribute it all to the 1993 plan because economic conditions are a result of not only fiscal policy but monetary policy as well. But make no mistake, the accommodative monetary policy we have had as a result of Federal Reserve Board decisions, follows the fiscal policy decisions that were made in 1993. That is not just my opinion. Alan Greenspan, the head of the Federal Reserve, says that himself. He has indicated that much of the strength we have seen in the economy can be attributed directly to the 1993 economic plan.

I think if one is fair and objective one would say, no question, this economic resurgence in terms of Government policy is a combination of fiscal policy that was passed by Congress in 1993 and the monetary policy that the Federal Reserve Board has followed since that time. But what made possible those Federal Reserve decisions was the fact that we bit the bullet, that we took action to reduce the deficit. Because we took that action in fiscal policy and the Federal Reserve Board responded with accommodative monetary policy, the result has been this remarkable economic resurgence.

There are other factors as well, but in terms of Government policy, what Government can do to affect outcomes, there is no question. The record is absolutely clear. The 1993 economic plan worked and worked remarkably well to strengthen this economy.

Mr. President, I look forward in the coming days to discussing this economic package that has now been agreed to by negotiators. I look forward to talking about the spending side of the ledger as well as the tax side of the ledger, the agreement that will be before us tomorrow.

I yield the floor, Mr. President, and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Mr. President, what is the pending business?

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The clerk will report S. 1022.

The assistant legislative clerk read as follows:

A bill (S. 1022) 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.

The Senate resumed consideration of the bill.

Pending:

Kerry amendment No. 992, to provide funding for the Community Policing to Combat Domestic Violence Program.

Gregg (for Kyl) amendment No. 995, to provide for the payment of special masters for civil actions concerning prison conditions.

Gregg (for Coverdell) amendment No. 996, to require the Attorney General to submit a report on the feasibility of requiring convicted sex offenders to submit DNA samples for law enforcement purposes.

Hollings (for Dorgan) amendment No. 997, to express the sense of the Senate that the Federal government should not withhold universals service support payments.

Hollings (for Biden) amendment No. 998, to provide additional funds for the Violent Crime Reduction Trust Fund.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

SANTA CLAUS IN JULY

Mr. HOLLINGS. Mr. President, pending the approach to this Chamber of our distinguished chairman and the original sponsors of some amendments, including the Senator from Minnesota, let me note the environment of Santa Claus in July.

It seems a lot of us are not here this morning. Instead, they are out selling their homes so they can make that $500,000 and go back home and live comfortably. We have the so-called agreement for a balanced budget. What a wonderful instrument. Everyone with a home can make up to $500,000 from this agreement. Couples in the $110,000 bracket and below would get $600. And,

of course, the rich will all get richer with the capital gains tax reduction.

My comment is to bring a note of reality. It is somewhat like when you are up to your neck in the swamp with the alligators and the original intent was to drain the swamp. Here, the original intent, of course, is to balance the budget and get us out of the red and into the black. And, of course, let's see exactly where we are at the present time. I ask unanimous consent that the CBO estimates be included in the RECORD.

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

HOLLINGS' BUDGET REALITIES

[In billions of dollars]

Pres. and year	U.S. budget	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
Truman:						
1945	92.7	5.4	−47.6	.....	260.1	.....
1946	55.2	−5.0	−15.9	−10.9	271.0	.....
1947	34.5	−9.9	4.0	+13.9	257.1	.....
1948	29.8	6.7	11.8	+5.1	252.0	.....
1949	38.8	1.2	0.6	−0.6	252.6	.....
1950	42.6	1.2	−3.1	−4.3	256.9	.....
1951	45.5	4.5	6.1	+1.6	255.3	.....
1952	67.7	2.3	−1.5	−3.8	259.1	.....
1953	76.1	0.4	−6.5	−6.9	266.0	.....
Eisenhower:						
1954	70.9	3.6	−1.2	−4.8	270.8	.....
1955	68.4	0.6	−3.0	−3.6	274.4	.....
1956	70.6	2.2	3.9	+1.7	272.7	.....
1957	76.6	3.0	3.4	+0.4	272.3	.....
1958	82.4	4.6	−2.8	−7.4	279.7	.....
1959	92.1	−5.0	−12.8	−7.8	287.5	.....
1960	92.2	3.3	0.3	−3.0	290.5	.....
1961	97.7	−1.2	−3.3	−2.1	292.6	.....
Kennedy:						
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
Johnson:						
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
Nixon:						
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
Ford:						
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
1976	371.8	13.4	−73.7	−87.1	629.0	37.1
Carter:						
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	503.5	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
Reagan:						
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.8	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.3	81.9	−221.2	−303.1	2,120.6	190.3
1987	1,003.9	75.7	−149.8	−225.5	2,346.1	195.3
1988	1,064.1	100.0	−155.2	−255.2	2,601.3	214.1
Bush:						
1989	1,143.2	114.2	−152.5	−266.7	2,868.3	240.9
1990	1,252.7	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,323.8	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,380.9	113.2	−290.4	−403.6	4,002.1	292.3
Clinton:						
1993	1,408.2	94.3	−255.0	−349.3	4,351.4	292.5
1994	1,460.6	89.2	−203.1	−292.3	4,643.7	296.3
1995	1,514.6	113.4	−163.9	−277.3	4,921.0	332.4
1996	1,560.0	154.0	−107.0	−261.0	5,182.0	344.0
1997	1,622.0	110.0	−70.0	−180.0	5,362.0	359.0

Historical Tables, Budget of the US Government FY 1998, Beginning in 1962 CBO's 1997 Economic and Budget Outlook, May 19, 1997.

Mr. HOLLINGS. Mr. President, it was projected on May 19 by the Congressional Budget Office that the actual deficit for this fiscal year would be $180 billion. Now, I hasten to add that the picture has improved. We find that the revenues are coming in even better than what was originally anticipated. So the actual deficit, if it stays on course, would be down to $140 billion and, if it continues, let's say it would be right at $100 billion next year. That is what I was told this morning by those at the Congressional Budget Office.

Now, the unified deficit that everyone refers to is down to under $40 billion and could be balanced next year. The term ''unified'' is, of course, just a shibboleth for, ''don't bother, we are just running around spending all the pension funds, which we made illegal in 1990.'' We are spending the pension funds to allocate against the deficit itself.

So what is really happening is that we are on the course, under the unified deficit, toward getting into the black. But it is not on account of passing anything here this week in the midst of this wonderful jubilation atmosphere that everybody won this morning with the agreement last night. The truth of the matter is that we are on course as a result of the 1993 budget plan, whereby we on this side of the aisle, without a single vote on the other side of the aisle, voted for real deficit reduction that worked. I emphasize the fact that it was this side of the aisle, because we were told that if we increased the Social Security tax, they would be hunting us down like dogs in the street and shooting us. I am one of the dogs to be shot in the street. They said that we were going to have a catastrophe and a depression, not just a recession, and all sorts of other things, which were totally off-base.

Without a single vote on the other side, we cut some $255 billion in spending, increased taxes $241 billion. We increased taxes on the highest income tax bracket. We increased gasoline taxes. We increased Social Security taxes. We eliminated over 250,000 Federal jobs and reduced the size of the Government itself, and it is working. I guess, by way of emphasis, the point is that the thrust here today and last

night is to stop the bickering and to show that we can get together. This Senator would say, in the extreme, of course, let's continue the bickering because, with the bickering, we are bound to get, under a unified budget, the Government back into the black. Stay the course.

In fact, I offered an amendment earlier this year to not cut any taxes and not increase any spending. Now, what has been done in this particular agreement? Well everybody admits we are spending more than $100 billion more than we are taking in. If that's the case, what you want to do is cut spending and increase your revenues. Instead, we increased spending some $52 billion, under this agreement last night, and we cut the revenues—instead of $85 billion, we cut the revenues some $90 billion.

So, as a result of the 1993 budget agreement and enactment, we are momentarily on course, having reduced the deficit each year for 5 years. Yet you are hearing shouts in the halls that, ''this is the first tax cut since 1981.'' We ought to say we got the first tax cut since the disaster of 1981, because the result of 1981, of Reaganomics, is that we are still spending over $100 billion more than we are taking in. So we are still in the red. The debt increases, the interest costs increase. So, under this so-called balanced budget agreement, the debt continues to grow, and our Government continues to borrow more and more money.

We are talking now about how we helped families with the child credit and by cutting taxes, but, in actuality, we have increased the taxes for children because we, the senior citizens, are going to move right along and leave them with the bill.

My distinguished chairman is here. I will be able to elaborate, Mr. President, in a more appropriate fashion at an appropriate time. I think there ought to be a note of sobriety with the ''Santa Claus in July'' that we are now experiencing here this morning that everybody won. The truth of the matter is that we have changed course, once again, to cutting taxes and increasing spending. Under a budget of that kind, there is no way for us to get really into the black and start reducing that debt and the carrying charges that are some $285 billion more than back in 1981. We are spending $285 billion more in interest costs than we were in 1981 for absolutely nothing.

As the chairman of the Appropriations Committee, the distinguished Presiding Officer, would realize, if we had that $285 billion, we could satisfy every subcommittee chairman on the 602(b) allocation, we could build many bridges, we could do all the research at NIH we need, we could double the President's request on education; we could have better housing, highways, and everything else of that kind. So that is not the case. I think what we ought to do is look at the reality.

I yield the floor.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 1024 THROUGH 1031, EN BLOC

Mr. GREGG. Mr. President, I send a managers' package to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], proposes amendments numbered 1024 through 1031, en bloc.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1024

(Purpose: To improve the bill)

On page 77, line 16, strike ''$1,995,252,000'' and insert $1,999,052,000''.

On page 77, line 16, after ''expended'', insert the following: '', of which not to exceed $3,800,000 may be made available to the Secretary of Commerce for a study on the effect of intentional encirclement, including chase, on dolphins and dolphin stocks in the eastern tropical Pacific Ocean purse seine fishery''.

On page 77, line 26, strike ''$1,992,252,000'' and insert ''$1,996,052,000''.

On page 100, line 24, strike ''75,000,000'' and insert ''105,000,000''.

AMENDMENT NO. 1025

(Purpose: To improve the bill)

At the appropriate place, insert the following:

Notwithstanding any other provision of law and pursuant to the fiscal year 1997 Emergency Supplemental Act (Public Law 105–18) Subsection 2004, funding for the following projects is to be made available from prior year carryover funds: $200,000 for the Ship Creek facility in Anchorage, Alaska; $1,000,000 for the construction of a facility on the Gulf Coast in Mississippi; and $300,000 for an open ocean aquaculture project and community outreach program in Durham, New Hampshire.

AMENDMENT NO. 1026

(Purpose: To require the Attorney General to submit a report on the feasibility of requiring convicted sex offenders to submit DNA samples for law enforcement purposes)

At the appropriate place in title I of the bill, insert the following:

SEC. . REPORT ON COLLECTING DNA SAMPLES FROM SEX OFFENDERS.

(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.

AMENDMENT NO. 1027

(Purpose: To express the Sense of the Senate that the Federal government should not withhold universal service support payments)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT MANIPULATE UNIVERSAL SERVICE SUPPORT PAYMENTS TO BALANCE THE FEDERAL BUDGET.

The Congress finds that:

(A) it reaffirmed the importance of universal service support for telecommunications services by passing the Telecommunications Act of 1996;

(B) the Telecommunications Act of 1996 required the Federal Communications Commission to preserve and advance universal service based on the following principles:

(1) Quality services should be available at just, reasonable, and affordable rates;

(2) Access to advanced telecommunications and information services should be provided in all regions of the Nation;

(3) Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advance telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services;

(4) All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service;

(5) There should be specific, predictable, and sufficient Federal and State mechanisms

to preserve and advance universal service; and

(6) Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services;

(C) Federal and state universal contributions are administered by an independent, non-federal entity and are not deposited into the Federal Treasury and therefore not available for Federal appropriations;

(D) the Conference Committee on the Balanced Budget Reconciliation Act of 1997, is considering proposals that would withhold Federal universal service funds in the year 2002; and

(E) the withholding of billions of dollars of universal service support payments may result in temporary rate increases in rural and high cost areas and may delay qualifying schools, libraries, and rural health facilities discounts directed under the Telecommunications Act of 1996:

Now, therefore, it is the Sense of the Senate that the Balanced Budget Reconciliation Act of 1997 should not manipulate, modify, or impair universal service support as a means to achieve a balanced Federal budget or to achieve Federal budget savings.

Mr. DASCHLE. Mr. President, I commend my colleague from North Dakota for highlighting the case against including the Universal Service Fund in our budget reconciliation process. This is bad public policy. It is unfair to the residents of rural America. I hope that today the Senate will take a strong stand against it.

The Universal Service Fund is comprised of private fees assessed to our Nation's telecommunications carriers. Over the last 60 years, this fund has made it possible for every resident in the United States to have access to telecommunications services. It represents a national guarantee that wherever you decide to live and work and raise a family—even if it is in one of the most remote areas of our country—telecommunications services will be affordable.

Although universal service is a Federal guideline, there are no Federal tax dollars involved in the Universal Service Fund. Moreover, the fund is administered by a nongovernmental agency that operates on the simple notion that carriers in low cost urban areas contribute more so that carriers who serve residents of high cost rural areas can provide affordable service. The administration of this fund has worked so well that most Americans do not even know it exists and take for granted the low rates for basic telephone service we all currently enjoy.

The principle of universal service represents one of our Government's most sacred and successful agreements with the American people. It guarantees those who live in rural areas the same access to telecommunications services as those who live in urban areas and is a major contributor to the rapid development and growth our rural areas are currently experiencing. Many parts of my home State of South Dakota, quite frankly, may not have been settled were it not for this guarantee, and I am very concerned that the budget deal may inadvertently undermine the Universal Service Fund.

Under the budget agreement concluded last night, the Universal Service Fund will be used to mask a $2 billion hole in the Federal deficit in fiscal year 2002. This sets a dangerous precedent. This private fund should not be incorporated into the Federal budget process, and the affordable rates it guarantees should not be left vulnerable to budget whimsy.

Throughout the past year, I have worked closely with Senator DORGAN and many other colleagues to impress upon the administration the value of ensuring equitable and affordable access to telecommunications services in rural areas. While administration officials have been largely receptive to this argument, the decision to put the USF on budget raises questions about some policymakers' understanding of rural concerns.

I am greatly troubled that placing the Universal Service Fund on budget will create a dangerous precedent that could raise rates in rural America and endanger our Government's 60 year promise of affordable telecommunications service to all areas of this country. The principle of universal service represents a sacred agreement between the Government and its citizens. It must not be undermined by budget games.

The Dorgan amendment puts the Senate on record that the use of these funds in the budget process is wrong, and I strongly urge its approval.

Mr. KERREY. Mr. President, I rise in support of the Dorgan Amendment, which expresses the view of the Senate that the universal service support system which keeps telephone service affordable; should not be turned into a piggy bank which can be raided to produce an illusory deficit reduction.

The Conferees working on the Reconciliation Conference report are considering legislation which for the first time would manipulate the universal service support system for budgetary gains. This would be a terrible precedent which could drive up phone rates, especially for rural Americans.

In 1996, the Congress enacted dramatic reform in the laws which govern the organization of America's telecommunications markets. The law was intended to introduce competition into all telecomm markets and preserve universal service.

The bargain was that competition would replace regulation but that all carriers would share the responsibility for providing universal service.

The idea of Universal Service is profound. It is one of the most fundamental principles of telecommunications law and economics. The concept was introduced in the original Communications Act of 1934 which promised ''to make available to all Americans a rapid, efficient, nationwide and world-wide wire and radio communications service . . .''

From 1934 to 1996, regulation and monopoly were the primary means of ensuring telephone services to all Americans. In 1996, the Congress embraced the idea that competition would best deliver telecommunications services to all Americans at affordable rates.

The Congress also recognized that there were some markets which competitive companies would not serve and some areas where costs are so high that rates would drive citizens off of the phone network. In those markets, universal service support would keep comparable services and comparable rates available in rural and urban areas.

The principle of universal service is that all Americans should have modern, efficient and affordable communications services available to them regardless of where they live.

In the aftermath of the break-up of AT&T, a system of intercompany payments were established to assure that competition in long distance services did not drive prices for local phone service through the roof, especially in rural areas.

Universal service support is not a subsidy, and it is not a tax. It is a shared cost of a national telecommunications network.

What makes the American phone network valuable is that almost anyone can be reached. Affordable phone service is not just important to the citizens of rural America, it is of value to the citizens who live in urban areas who need and want to reach Americans in rural areas.

The basic bargain of the Telecommunications Act of 1996 was that the gates of competition would open, provided all telecommunications carriers contribute to the support of universal service. Under the act, support would be sufficient, predictable, and the burdens would be shared in a nondiscriminatory manner.

To assure that all Americans shared in the benefits of the information revolution, the Congress also adopted the Snowe-Rockefeller-Exon-Kerrey amendment which provided for discounts to schools, libraries, and rural health care facilities. The bottom line, Mr. President was that no American would be left behind.

If certain budget negotiators have their way, many Americans will be left behind.

The precedent that the reconciliation conferees have under consideration is dangerous because it attempts to undermine the promise of sufficient and predictable support for universal service. It does so to gain a mere bookkeeping advantage in the effort to reach a balanced budget by 2002.

If the universal service support system is manipulated for this purpose, consumers lose. They will get higher rates and lower service.

By adopting the Dorgan amendment, the Senate can send a clear message to conferees that affordable phone service is important to all Americas. The very system which assures affordability

should not be jeopardized by an attempt to avoid the real choices necessary to produce a balanced budget by the year 2002.

Thank you, Mr. President.

AMENDMENT NO. 1028

(Purpose: To improve the bill)

At the end of the section in title I regarding the ''WAIVER OF CERTAIN VACCINATION REQUIREMENTS'', insert the following new subsection:

''(b) REPORT.—The Attorney General, in conjunction with the Secretaries of Health and Human Services and State, shall report to Congress within 6 months of the date of enactment of this Act on how to establish an enforcement program to ensure that immigrants who receive waivers from the immunization requirement pursuant to section 212 of the Immigration and Nationality Act comply with the requirement of that section after the immigrants enter the United States, except when such immunizations would not be medically appropriate in the United States or would be contrary to the alien's religious or moral convictions.''

AMENDMENT NO. 1029

At the appropriate place, insert the following:

SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) for fiscal year 2001, $4,355,000,000; and

''(8) for fiscal year 2002, $4,455,000,000.

Beginning on the date of enactment of this legislation, the discretionary spending limits contained in Section 201 of H.Con.Res. 84 (105th Congress) are reduced as follows:

for fiscal year 2001, $4,355,000,000 in new budget authority and $5,936,000,000 in outlays;

for fiscal year 2002, $4,455,000,000 in new budget authority and $4,485,000,000 in outlays.

Mr. BIDEN. Mr. President, this amendment extends the crime law trust fund through 2002 at the funding levels of the budget agreement.

This amendment has the same effect as the Biden-Gramm-Hatch amendment passed by the Senate 98 to 2 on June 27, 1997.

Let me point out just one practical effect of my amendment. The Senate Judiciary Committee reported major youth violence legislation last week—this Hatch-Sessions bill calls for $1.5 billion from the crime law trust fund in 2001 and 2002—this is almost one-half of the dollars to fund a new Republican youth violence block grant.

Now, I do not agree with many of the specifics of this block grant and I look forward to debating these issues on the floor.

But, the bottom line is real simple—if we do not pass this amendment, there will be no trust fund in 2001 and 2002, and so, there will be no youth violence block grant in 2001 and 2002—no matter what form this block grant ultimately takes.

And, it is the same for prisons, 100,000 cops, and violence against women. If we do not pass my amendment, there will be no trust fund in 2001 and 2002, and there will be no more funding for prisons and no more to fight violence against women.

I also want to point out to my colleagues that I believe that there are Budget Act points of order which could be lodged against my amendment. I say that just so all of us are clear about my amendment. I would move to waive such a point of order were it raised. I just want my colleagues to understand this fact as we pass this amendment.

I urge my colleagues to support my amendment.

AMENDMENT NO. 1030

(Purpose: To provide funding for the Community Policing to Combat Domestic Violence Program)

On page 29, line 18, insert ''That of the amount made available for Local Law Enforcement Block Grants under this heading, 10,000,000 shall be 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: *Provided further*,'' after ''*Provided*,''.

AMENDMENT NO. 1031

On page 65, on line 25 after ''expenses'' insert the following: *Provided further*, That the number of political appointees on board as of May 1, 1998, shall constitute not more than fifteen percentum of the total full-time equivalent positions at the Office of the United States Trade Representative.''

Mr. GREGG. Mr. President, I ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Withholding, and I do not intend to object, I understand it is pretty well worked out, but there was one language inclusion.

Mr. GREGG. It is all done.

Mr. HOLLINGS. No objection.

The PRESIDING OFFICER. The amendments are agreed to.

The amendments (Nos. 1024–1031), en bloc, were agreed to.

Mr. GREGG. Mr. President, we are going to have some further discussion on this bill, the Commerce, State, Justice appropriations bill, and I understand there are at least a couple of votes. This package of amendments has eliminated four of the votes. In fact, I ask unanimous consent to withdraw amendments Nos. 992, 996, 997, and 998.

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

The amendments (Nos. 992, 996, 997, and 998) were withdrawn.

Mr. GREGG. Mr. President, just for the information of the Members, we are now down to what appears to be final passage, plus potentially four votes. Hopefully, we can reduce that further. We are certainly going to work on that. And then we can complete the bill. I understand we are going to proceed to these votes and final passage around 3:15. That is the plan presently.

THE BUDGET AGREEMENT

Mr. GREGG. Mr. President, let me speak briefly on the budget agreement which was reached late last night, and mention my thoughts on this. This agreement is obviously not everything that everybody wanted. But it is a giant step in the right direction. It is especially a giant step on the issue of cutting taxes for the working American family, or that group of Americans in the middle-income brackets who are struggling with the costs of raising children and sending those children to college.

For a family whose income is in the range of $32,000 or $35,000, this tax cut could well represent a tax cut of almost 50 percent for a family of four. That is a big tax cut. For that same family, should they have a child who is headed off to college, this could represent a tax cut of up to 75 percent. That is a huge tax cut.

In addition, if you are in a working family situation and you are trying to make ends meet, you are going to be able to take advantage of this child credit coming to you to help you support the cost of raising your children—$500 per child. And all of these tax cuts that I am talking about are directed at middle-income Americans. In fact, almost all of them phase out as you get into incomes over $100,000.

Further, if you are a family where one of the spouses is staying at home to try to raise your children, under today's law, you can't have an IRA account that is deductible. That stay-at-home spouse can't have an IRA account that is deductible. Under this bill, the mother that is home raising the children will have the opportunity to have an IRA account that will be deductible and safe for her retirement. That is a major step forward.

In addition, there is a significant estate tax savings, especially for small business people and for farmers. Estate tax savings, which means that when somebody works all their life to build up a grocery store, a restaurant, or a gas station business, or some other small business, they are not going to lose that business to taxes when they die. They are going to be able to pass on that business to their children. That is very important.

So this is a major step forward. It is the first significant tax cut—it is the first tax cut for middle-income Americans in 16 years. It should have been done a long time ago. But it has taken a Republican Congress and a commitment of a Republican Congress to have this as our No. 1 goal, and a commitment to accomplishment. While we have accomplished this tax cut, we have at the same time put in place a spending pattern which controls the rate of growth of Federal spending so that we can reach a balanced budget by the year 2002. We may even reach it before that, according to present estimates. But that was another major goal of this Republican Congress—to balance the budget.

So we have done two very significant things here. We have balanced the budget, and we managed to cut taxes

for working Americans, and especially for working Americans who have families to raise. That is good news. Is it everything we want? Of course not. I would like to see more action in the area of Medicare, for example. But the will wasn't there—both at the White House and, unfortunately, in the other body. But as a practical matter, the spending restraints in this bill are very significant.

The rate of growth in spending in this bill is approximately one-half of 1 percent over the next 5 years in discretionary nondefense accounts—one-half of 1 percent. That is the lowest rate of growth of spending that has occurred in the last 20 years in this Government in the area of discretionary accounts. That is significant. Because we have that low rate of growth of spending on the discretionary side of the ledger, we are able to bring into balance the budget agreement of this Government by the year 2002. We will have to go back and we will have to revise the issue of Medicare. There is no question about that. That remains a big issue of public policy. But within the Medicare accounts we made some very substantive and positive changes in this bill.

In the spending package is the proposal for Choice Care. Choice Care gives seniors approximately the same type of options which we as Members of Congress have—the ability to go out into the marketplace and choose from a variety of different health care plans. The practical effect of that is to bring the market forces into play to control the rate of growth of the cost of Medicare and, at the same time, give seniors much more choice, many more options, in the way they get their health care provided. Choice Care is a very positive, substantive, long-term reform for the Medicare system, and it is in this bill. So there were significant steps taken in that account, too.

But, most importantly, you have to return to the fact that not only do we balance the budget, but we give these very significant tax cuts to working Americans—especially working Americans who are trying to raise a family. Isn't it about time? This is relief that is long overdue. As this Government finally gets its fiscal house in order, as we move toward a balanced budget, who should be the recipient of that positive event, of that good fiscal management? Well, the people who paid for the Government should be the recipient of that.

That is what this bill essentially does. It turns back to those folks who are paying the cost of the Government some of their hard-earned dollars so that they can make the decision as to how they are spent rather than having that decision made here in Washington. We do not happen to believe, those of us who support this tax cut, that the Federal Government is a better manager of your dollars if you are running a household than you are. We think that if you have money to decide how you want to raise your children and to use it on spending for your children's education, you are going to do a better job of spending that in educating your children than if the Federal Government takes your money, brings it here to Washington, and then redistributes it to you.

So this tax cut is a very important event, and a big win—a big win—for the working American family. Thus, I am certainly hopeful that we will pass this package later this week and make that major step forward, or that significant step forward, in assisting families in this country meet the costs of raising kids and see that at the same time we move this Government toward a balanced budget.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. GREGG. Mr. President, we are here to consider the Commerce, State, Justice bill.

I ask of the Chair, how is the time being allocated relative to the Wellstone amendment?

The PRESIDING OFFICER. Under the order on the Wellstone amendments, they are entitled to 30 minutes equally divided on each of the two amendments.

Mr. GREGG. So the time is still available, the full 30 minutes on each amendment?

The PRESIDING OFFICER. That is correct.

Mr. GREGG. I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

THE BUDGET COMPROMISE

Mr. HOLLINGS. Mr. President, the distinguished Senator from Minnesota has now arrived.

Let me just remind colleagues once again. When we look at the concurrent resolution on the budget for fiscal year 1998—we wouldn't put that entire conference report in the RECORD, obviously. But I ask unanimous consent that section 5 on page 4, which only contains some seven lines, be printed in the RECORD at this particular point.

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

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:
Fiscal year 1998: $5,593,500,000,000.
Fiscal year 1999: $5,841,000,000,000.
Fiscal year 2000: $6,088,600,000,000.
Fiscal year 2001: $6,307,300,000,000.
Fiscal year 2002: $6,481,200,000,000.

Mr. HOLLINGS. Mr. President, it shows the public debt for the fiscal year 2001 at $6,307,300,000,000, and it shows for fiscal year 2002 the public debt has increased to $6,481,200,000,000, an increase of $173.9 billion. It does not show a balanced budget. It does not show, I emphasize, a balanced budget in the fiscal year 2002. We all know from the agreement last evening that rather than cutting taxes only $85 billion, it was a net tax cut of $90 billion. So we have increased the loss of revenue some $5 billion. We also know that the spending under the particular 1998 budget agreed to last evening increased some $52 billion.

So what we have done since we made that agreement—and the conference report was adopted last month—is to actually increase spending more, and reduce the revenues more. So we know that come the year 2002, we will not have the first balanced budget in 33 years. The document itself shows it is in deficit because the debt increases that last year. Why will the debt increase if we had a balanced budget?

It is quite obvious that we have not taken significant steps for the middle class or the working Americans as has been described here. If we really wanted to help working Americans, we could have cut payroll taxes. But the truth of the matter is that we cut capital gains taxes for the rich. We cut the inheritance tax for the rich. So we didn't do it for working Americans. We kept that high payroll tax up. We left out the working Americans, and we agreed on both sides to call it balance, which is a total fraud.

I yield the floor.

APPOINTMENT OF CONFEREES—H.R. 2209

The PRESIDING OFFICER. Under a previous agreement, the Chair is authorized to appoint conferees on H.R. 2209.

The Presiding Officer appointed Mr. BENNETT, Mr. STEVENS, Mr. CRAIG, Mr. COCHRAN, Mr. DORGAN, Mrs. BOXER, and Mr. BYRD conferees on the part of the Senate.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, first of all, I ask unanimous consent that Elise Gould, a fellow in my office, be granted the privilege of the floor during today's session.

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

AMENDMENT NO. 1032

(Purpose: To clarify the income eligibility requirements for victims of domestic violence)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk in behalf of myself, Senator TORRICELLI, Senator LANDRIEU, and Senator AKAKA.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. TORRICELLI, Ms. LANDRIEU, and Mr. AKAKA, proposes an amendment numbered 1032.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title V of the bill, insert the following:

SEC. 5 . For fiscal year 1998 and subsequent fiscal years, 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.

Mr. WELLSTONE. Mr. President, I understand that this amendment will be accepted. I am very pleased. I think there is strong bipartisan support for it. We worked very hard to make sure it was kept in conference.

I would like to thank Senator HOLLINGS and Senator GREGG for their support, and Senator TORRICELLI who is out here on the floor.

Mr. President, let me briefly summarize this amendment. This amendment essentially ensures that no one who is a victim of domestic violence will be denied legal representation because of the economic status of her or his abuser.

Mr. President, I am saddened to have to really on the floor of the Senate make the point that what we have right now in the country is something close—it is a staggering problem. We have an estimated 4 million American women who experience a serious assault by a husband or boyfriend each year. In 1993 alone, over 1,300 women were reportedly killed by abusive partners or former partners.

I want to make it clear that Legal Services has done a wonderful job. They have handled over 250,000 cases involving domestic violence; 50,000 of those cases involved clients seeking protection from abusive spouses.

The problem is that all too often those on the receiving end of grants in some cases—I know in Minnesota this happens—they really do everything they can and extend the rules or figure out ways of providing legal representation. Most of the time it is for a woman. But sometimes what happens in other situations is they don't because it is a horrible catch-22 situation where the income of the husband or assets of the husband which are the assets of the household makes this woman who has been abused and beaten up ineligible for any legal representation. By the same token, she can't afford to have legal representation on her own, in which case she is without protection. This is critically important. I actually don't think that this is an exaggeration to say that this quite often is a life or death situation.

So when we are talking about obtaining orders of protection, child support, and other kinds of protection, this is critically important.

I again thank both of my colleagues for their support of this amendment. I want to thank Senator TORRICELLI who has been very active and a real leader in this area for his support.

This is an important clarification. One more time, and I will finish.

The legal services community in the country is doing the very best job. But, if we had a debate, I would have brought out to the floor many examples—very telling examples—of women who have not been able to receive the protection. Legal Services lawyers want to provide it but are not at all clear that they can because of the income of the husband and sometimes the income of a wife. This is a tragedy.

This is a huge step forward. It is a very significant amendment. I thank both of my colleagues for their support.

Mr. GREGG. Mr. President, I think it is an excellent amendment, and it is an appropriate amendment. We have no objection to it.

I urge its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, I know that we have amendments. But I yield some time to my colleague from New Jersey, who has been a real leader in this area.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I thank the Senator from Minnesota for yielding. And I want to offer my thanks to Senator HOLLINGS and Senator GREGG for agreeing to this amendment.

Mr. President, this is not the first time that I have joined with Senator WELLSTONE in legislation to help women who are the victims of domestic violence.

In the last Congress we successfully led an effort to deny access to handguns to people who have convictions of domestic violence. We return here today because the plague of domestic violence has not abated. It is believed that there are 3 to 4 million women every year in America who are subjected to domestic violence. Every 18 seconds another victim is struck. Indeed, during the course of a lifetime, half of the women in this country will be abused by a husband or a boyfriend or someone with whom they live.

One of the tragic ironies of this terrible situation is that in the moment when women need the help of the law the most they are denied. The Legal Services Corporation last year handled a quarter of a million cases of domestic violence and yet those women who may have needed the help the most could not get Legal Services assistance because the income of their husbands, the very people who might be striking them, the person from whom they are seeking a restraining order or a divorce, made them ineligible.

The amendment we offer today would eliminate this tragic contradiction. I believe it is a good statement by this Senate, a realistic recognition of a terrible national problem and the ending of this real dilemma for American women, that in the future it can be said any woman, regardless of her husband's income, will be able to get legal assistance because of her own vulnerability, based on her own lack of resources. So she gets the protection she needs.

I am very pleased to be offering this amendment with Senator WELLSTONE today and once again offer my thanks to Senator GREGG and Senator HOLLINGS for their support.

I yield the floor.

Mr. WELLSTONE. Mr. President, I think we can go forward with the vote. I thank my colleague from New Jersey.

Please, I say to both of my other colleagues, this is a very important amendment. It really is connected to many people's lives, and many of them are women—some men but I am sad to say mainly women. This is an extremely important protection that we are now providing to these women with children. I hope we will keep this in conference committee.

I thank, Mr. President, the National Task Force on Violence Against Women and NOW Legal Defense and Education Fund, for their help on this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield back the remainder of our time and ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is agreed to.

The amendment (No. 1032) was agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1033

(Purpose: To require the Legal Services Corporation to conduct a study regarding persons prohibited from receiving legal representation regarding efforts to reform welfare systems)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. KENNEDY, proposes an amendment numbered 1033.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title V of the bill, insert the following:

SEC. 5 . The Legal Services Corporation shall—

(1) conduct a study to determine the estimated number of individuals who were unable to obtain assistance from its grantees as a result of the enactment of section 504(a)(16) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134:110 State. 1321–55), during the six month period commencing with the enactment of this Act; and

(2) not later than 30 days thereafter, submit to Congress a report describing the results of the study conducted under paragraph (1).

Mr. WELLSTONE. Mr. President, I can be very brief on this. This is really just a study.

Basically, what this amendment asks is that as we go forward with the welfare bill and it is implemented in States around the country, the Legal Services Corporation compile data on what kinds of appeals might be made by women and their families dealing with the welfare law as it is implemented.

It is simply a study to document numbers of people who come to them with a variety of different grievances so that we get a clear record of what is happening. Right now, in many cases, these lawyers are not able to take up these cases.

This does not mandate anything. It just simply calls for a study.

I thank my colleagues for their support.

Mr. GREGG. Mr. President, I ask unanimous consent the amendment be agreed to, and I yield back the remainder of our time.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1033) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I thank my colleagues.

Is the amendment agreed to?

The PRESIDING OFFICER. The amendment is agreed to.

Mr. WELLSTONE. As to this amendment, I think what we want to make sure of, whatever differences we have about the welfare bill, what I think is a kind of bipartisan consensus is that it work well as it gets implemented at the State level. And so whether it is food-nutrition programs or whether it is a mother trying to find child care or whether someone who is in a job training program and trying to stay in that program or whether it is an issue of public transportation, we want to make sure that all of our citizens, even if they are poor, even if they are women and children, have legal representation and that the due process rights are maintained. I think this study will give us a clearer picture as to where we are in relation to these issues.

I thank both my colleagues.

Mr. President, I would also like to thank them for their patience. I was at Justice Brennan's service and that is why I was a little late in getting back.

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

RESTRICTIONS ON INS FINGERPRINTING IN THE CJS APPROPRIATIONS BILL

Mr. ABRAHAM. Mr. President, I would like to raise with the distinguished chairman of the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, an important issue related to restrictions included in the CJS bill that reform the taking and processing of fingerprints by the Immigration and Naturalization Service for criminal background checks. At the outset, I would also like to thank Senator GREGG for his work on this issue, which has been of significant concern to me as chairman of the Immigration Subcommittee. I know it is also of great concern to the ranking member on our Subcommittee, Senator KENNEDY.

In fact, I chaired a hearing on this issue earlier this Congress and am considering legislation to address some of the very serious faults in the INS's conduct of criminal background checks. I have also raised this issue with the Director of the Federal Bureau of Investigation, who expressed serious concerns—in terms of both quality and integrity—with the INS's use of outside entities to take fingerprints. Accordingly, I am pleased that the CJS bill will take us away from the current system, although I know that much remains to be done in this area.

The language in the manager's package will permit fingerprints for INS purposes to be taken only by offices of the INS or by law enforcement agencies, which may collect a fee for the service of taking and processing the fingerprints. The INS has indicated that it is moving to a new fingerprint processing system under which it would take all of the fingerprints at INS offices, and has indicated that it can do so without unduly delaying the naturalization process. However, the INS will not be able to bring its new system up and running by the start of the next fiscal year. Even with the ability to also utilize the services of law enforcement agencies, I believe that a delayed effective date of 9 to 12 months will be required so there can be an orderly transition to the new system and so that the processing of naturalization applications can continue without complete disruption to the system.

Mr. KENNEDY. I agree wholeheartedly with the chairman of the Immigration Subcommittee, and I share his concerns. The backlog in citizenship applications continues to grow. Without a significant delay in the effective date, we will have serious and possibly irreversible disruption in the naturalization process.

Mr. ABRAHAM. I thank the distinguished Senator from Massachusetts for his remarks. I would simply like to confirm with Senator GREGG my understanding that the effective date will be looked at in conference so that the effect of this provision can be delayed—I would hope in the range of 9 to 12 months—to an appropriate point.

Mr. GREGG. Yes. In conference, we will certainly examine the effective date of this provision and modify it as needed to make this transition work.

Mr. ABRAHAM. I thank the chairman in advance for his careful consideration of this issue in conference, and for the modifications to the provision that he has already made. I look forward to continuing to work with him in addressing the very serious problems in the INS's processing of citizenship applications.

U.S./ISRAEL SCIENCE AND TECHNOLOGY COMMISSION

Mr. HOLLINGS. Mr. President, I would like to clarify report language on page 65 concerning the committee's willingness to permit the technology administration to undertake certain international economic development initiatives, particularly as it affects the United States/Israel Science and Technology Commission. I have long been a supporter of the work of the Commission, a binational program that promotes economic and technological collaboration between the United States and Israel that has already provided numerous benefits to both countries. It was not our intention to affect in any way the current or future activities and operations of the Commission, and I would like to clarify with the chairman of the subcommittee that it was not his intention either.

Mr. GREGG. The Senator is correct.

TEENS, CRIME AND THE COMMUNITY FUNDING

Mr. HOLLINGS. Mr. President, I would like the attention of my colleagues to point out what I see as an unintentional omission. Last year's Commerce, Justice, State appropriations' conference report contained language which provided $1.0 million for the National Crime, Prevention Council's Teens, Crime and the Community Program otherwise known as TCC. The Senate supported this provision last year and it was my intention that it be included in this year's bill. Unfortunately, it was inadvertently left out of the committee report. For my part, I believe it should be the Senate's intent that funding for The Teens, Crime, and the Community Program be included when the bill reaches conference.

Mr. GREGG. Would the Senator yield?

Mr. HOLLINGS. I yield to the distinguished chairman.

Mr. GREGG. I appreciate the ranking member, Senator HOLLINGS, bringing this oversight to the Senate's attention. Last year, I supported including this program in the conference report,

and, I agree with the Senator from South Carolina, it should be included in this fiscal year 1998 bill.

Mr. HOLLINGS. I appreciate the Senator's support and would point out that the TCC Program provides a unique curriculum to educate young people about crime risks and prevention with the aim of reducing or eliminating specific crime problems in their school or community. Over 500,000 young people in over 1,000 different schools and communities all across the country have participated in the program. It has proven to be an effective strategy for reducing crime, preventing delinquency, and involving youth in community crime prevention efforts.

Mr. GREGG. Let me conclude by saying that in conference we will seek to get the House to agree to provide $1.0 million of juvenile justice and delinquency prevention funds for this worthwhile program. I yield the floor.

SOUTH DAKOTA EMERGENCY AND LAW ENFORCEMENT ASSISTANCE

Mr. DASCHLE. Mr. President, I would like to thank the chairman of the Subcommittee on Commerce, Justice, State, and Judiciary, Mr. GREGG, and the ranking member, Mr. HOLLINGS, for their excellent work on the fiscal year 1998 Commerce, Justice, State, and judiciary appropriations bill. They and their staffs have put together an excellent bill and should be commended for their leadership.

Let me take a brief moment to explain my intentions regarding amendment 1004. Its purpose is twofold. First, it makes $100,000 available for a grant to Roberts County, SD.

It is clear from my discussions with law enforcement personnel in rural areas of South Dakota that few greater priorities exist than to ensure that South Dakotans have immediate access to emergency services when necessary. Unfortunately, many rural counties in South Dakota do not have the resources to purchase equipment for a 911 system to provide this capability. It is my intention that these funds be used for the purchase of that equipment and any other functions that must necessarily take place for the establishment of a 911 system in Roberts County. It is my further hope that in coming years Congress and the Department of Justice will continue to address the urgent need for assistance in the purchase of equipment to provide 911 services.

The second purpose of the section is to provide $900,000 to the South Dakota Division of Criminal Investigation [DCI]. The DCI requires an immediate upgrade of computer and telecommunications equipment in its field offices, new equipment for its forensics lab, and new radio equipment to address problems in law enforcement radio transmissions. These funds will be of significant assistance in the provision of this equipment for the DCI, and I am pleased that I have been able to work with the committee to meet this need.

Once again, I thank the chairman and ranking member for their assistance with these important matters.

FTE INCREASES

Mrs. MURRAY. Mr. President, the appropriation measure before us includes $363 million for the National Marine Fisheries Service. In addition, the Committee recommendation allows for the administration's proposed increased of 58 full-time equivalents [FTE's] for the National Marine Fisheries Service [NMFS]. The Committee directs the NMFS to use as many available FTE's as are needed to ensure the full and timely implementation of the Magnuson-Stevens Fishery Conservation and Management Act. The Magnuson-Stevens Act was reauthorized in the 104th Congress after a long and difficult process of negotiation and compromise. It includes many new provisions to improve the conservation and management of this Nation's fishery resources. I appreciate the tremendous task the NMFS faces in fully implementing all of the new provisions and requirements we placed on the NMFS and share the committee's desire to see adequate FTE's allocated to this important task.

I am also concerned, however, about the very real need for FTE's to implement the requirements of the Endangered Species Act [ESA], particularly in the Pacific Northwest. With several salmon species already listed under the ESA and an elaborate recovery plant currently being implemented with a critical decision point rapidly approaching, with habitat conservation plans being negotiated with public utility districts in central Washington, and additional ESA listings likely coming in the future, the NMFS is in desperate need of both resources and personnel to meet its obligations. I appreciate the committee's willingness to fund NMFS efforts in these areas at or above the President's requested levels. These funds will go along way toward salmon recovery efforts throughout the entire Pacific coast. I would like to emphasize the need for adequate FTE's to be provided to this important effort. While the committee has correctly directed FTE's to the implementation of the Magnuson-Stevens Act, this allocation should not come at the expense of the agency's ability to undertake salmon recovery efforts in the Pacific Northwest. Both of these responsibilities of the NMFS are vitally important to Washington State and the Pacific Northwest. I urge the NMFS to meet the real need for FTE's in both of these areas.

TIIAP-FUNDING FOR FISCAL YEAR 1998

Mr. KERREY. Mr. President, I am pleased to note that Senate appropriators have restored $10.5 million to the Telecommunications Information Infrastructure Assistance Program [TIIAP]. TIIAP is a highly competitive, merit-based, grant program that provides seed money for innovative, practical technology projects across the United States.

TIIAP grants help our communities utilize the information technologies that play an increasingly important role in the world economy. Without access to advanced telecommunications services that deliver education, healthcare, social services, and news, individuals and sometimes entire communities are relegated to second-class economic status. Rural and low income regions that already face difficult economic hurdles are pushed even farther behind because they lack the resources to join the information revolution. The Federal assistance provided by TIIAP has already helped many of these areas transition into the information economy.

In my home State of Nebraska, TIIAP has helped the city of Crete purchase computers to build an access center where adults are taught computer skills and are given assistance to apply those skills to new jobs. Through the Nebraska Network for Children and Families, a TIIAP grant provides funding for the Ideas Network. The Ideas Network is an interactive place where Nebraska families and professionals involved in the human services system may find information, dialog opportunities, education resources, advocacy information, and supportive relationships. Specifically, this valuable network is devoted to Nebraska's foster families, subsidized adoptive families, families of children with special needs, and human service professionals.

TIIAP is a matching grant program. Since 1994, $79 million in Federal grant funds generated investment of $133 million of local funds. Underfunding this productive program would have been a tremendous mistake. Without the seed money provided by TIIAP, valuable community building projects such as the Ideas Network would not be possible. This innovative program is an important component of better education, health care and improved community relations.

JACOB WETTERLING ACT

Mr. DEWINE. I wish to ask my colleague from New Hampshire a question. It is my understanding that the Senator from New Hampshire has authored language in this appropriations bill that amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act?

Mr. GREGG. Yes, I have worked hard to address some technical changes to this act that I believe will improve the procedure for the registration of sex offenders, and raise States' compliance with its provisions.

Mr. DEWINE. I appreciate your leadership on this important issue, and believe that you have improved this important law. However, the attorney general of Ohio has raised an issue shared by a majority of States that I am compelled to address.

Current law under the Jacob Wetterling Act requires that States

create a special State board. This board must be composed of experts in the field on the behavior and treatment of sexual offenders, victims' rights advocates, and representatives of law enforcement to determine when someone is a sexually violent predator. Currently, according to the Department of Justice, 37 States would not meet this requirement.

Mr. GREGG. Yes, that is my understanding. States are given 2 years to establish such a board.

Mr. DEWINE. Mr. President, it is also my understanding the Senator from New Hampshire is working with the Department of Justice to assure that your proposed language in the bill before us would provide a waiver for impacted States, such as Ohio, who for differing reasons, may not specifically meet the requirements of having a special State board. My State, as well as many others, however, have alternative methods that fairly, efficiently, and scientifically make the determination when someone is a sexual predator. Is that correct?

Mr. GREGG. The Senator from Ohio is correct.

Mr. DEWINE. Is it my friend from New Hampshire's intention that his language would allow for States like Ohio and New Hampshire a waiver by the attorney general in these types of situations?

Mr. GREGG. That is correct. It is certainly my intention that the U.S. Department of Justice would be as flexible as possible in working with States to determine compliance on this matter.

Mr. DEWINE. I thank my colleague from New Hampshire for his fine work to ensure States have the administrative flexibility to meet the goal of the Jacob Wetterling law.

Mr. BURNS. Mr. President, I rise today to support the $1,675,000 request for the Experimental Program to Stimulate Competitive Technology [EPSCoT] Program reported in the Senate appropriations bill, S. 1022. EPSCoT, which is part of the Commerce Department's Technology Administration, is an important program for our Nation's rural States. Its aim is to help foster regional technology-based economic growth in the 18 States that are traditionally underrepresented in Federal research and development funding.

EPSCoT evolved during the 104th Congress from a series of discussions between the Technology Administration and the Senate Subcommittee on Science, Technology, and Space which I chaired along with Senator ROCKEFELLER, the ranking minority member. Dr. Mary Good, who retired as the Undersecretary of Technology in June, recognized the importance of initiating, maintaining, and enhancing research development and technology in all States of this Nation. Using the highly successful National Science Foundation Program to Stimulate Competitive Research [EPSCoR] as its model, EPSCoT was originated to serve as its technology counterpart. The States are ready to proceed since they can use their existing EPSCoR State network to now help build a strong technology infrastructure throughout this country.

This program receives bipartisan support. While EPSCoT will be a competitive, cost-shared, merit-based grants program, the actual details are now being worked out through a series of public meetings with representatives from State and local government, regional organizations, small businesses, and universities. In June, we held one of three regional policy forums in Billings, MT. We heard from the people that will be participating in this program. They provided the feedback and advice about how EPSCoT should be designed to meet their unique needs to develop and sustain a long-term technology-based economic infrastructure in the region.

A successful EPSCoT program could also provide a mechanism to relieve some of the concerns raised in opposition to the Advanced Technology Program [ATP]. I believe that ATP plays an important role in the development of emerging and enabling technologies critical for sustaining a strong economy. However, it has been viewed as providing too much support to large companies and, as a result of the way industry is now clustered, limiting the support to a few specific regions within the country. There is a strong call for wider participation and greater diversity of partnerships in the Department of Commerce.

In Montana, 98 percent of the businesses are considered small businesses. Generally, small businesses do not have the capacity or the resources necessary to undertake or maintain the research and support activities which larger businesses and industries maintain as part of their on-going activities. To the extent that such support exists in these States, it usually comes from local universities. EPSCoT is a vehicle to assist the largely rural States to develop regional clusters, spin-off companies, and other small high technology companies. It will help small businesses and industries which are emerging in Montana and other rural States to be successful and globally competitive. This program, with sufficient support, will be successful in stimulating technology development and transfer. EPSCoT will foster the scientific and technological infrastructure necessary for job creation and economic growth.

Mr. President, for these reasons, I strongly support the funds provided to launch EPSCoT. This is an investment to spur economic growth in rural areas that are key to an overall healthy American economy.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I wanted to take a moment to commend the members of the Commerce, Justice, State Appropriations Subcommittee for including $1,675,000 for the Experimental Program to Stimulate Competitive Technology [EPSCoT] in the fiscal year 1998 appropriations request. This program model is based on the successful National Science Foundation's Experimental Program to Stimulate Competitive Research [EPSCoR].

EPSCoR has a strong track record in helping to promote quality research in States, like West Virginia, that are traditionally under represented in Federal research and development funding. EPSCoT is intended to promote similar activities for technology transfer.

This is a wise investment with bipartisan support. Senator BURNS and I have discussed this concept and its potential, and we have sought the comments of leaders in our states and regions.

Technology plays a vital role in economic growth. According to the Congressional Research Service, experts widely believe that technological progress is responsible for up to one-half of the growth of the U.S. economy and is one principal driving force in long-term economic expansion and increases in our Nation's standard of living. Given this compelling point, it is essential to ensure that technology is successfully transferred to business and industry in every region, including those regions which historically are under served. Our Nation will not thrive if some regions are left behind in the key sectors of R&D or technology transfer.

The National Science Foundation's EPSCoR program has considerably helped States enhance their capacity for research and development. The Department of Commerce is now looking to use this successful model for technology transfer. It is important to note that this initiative has been debated and considered for quite some time. Commerce officials have worked closely with Governors and U.S. Innovation Partnership.

As a longstanding advocate for EPSCoR, I am enthusiastic about the potential for this new Commerce initiative, EPSCoT, to effectively build partnerships at the State level and promote technological advances that will lead to long-term growth in regions of our country that traditionally have been left behind. I am confident that West Virginia and other States can benefit enormously by such a targeted incentive program. This appropriations is a good start in the right direction on technology transfer.

FUNDING OF THE PATENT AND TRADEMARK OFFICE

Mr. HATCH. Mr. President, let me just take a moment to discuss the important issue of the funding of the Patent and Trademark Office [PTO] that is contained in the Commerce, Justice, State, and Judiciary appropriations bill that the Senate will vote on later today. As my colleagues know, Mr. President, the PTO has been entirely funded by user fees for several years now. Not one cent of general taxpayer

money goes to the operation of that vital office. Thus, it is my belief that all the money generated by the user fees should be available for use by the PTO.

Unfortunately, in the last few years, increasingly large amounts of money have been diverted from the PTO. The patent surcharge, which was instituted to make the PTO self-funding, has been the target of this diversion. That is why I was very pleased when the surcharge, which is scheduled to expire after fiscal year 1998, was not renewed. I had advocated that it not be renewed and, with the support of Senators DOMENICI and LAUTENBERG, the chairman and ranking member of the Budget Committee, it was not.

In addition to the surcharge, this bill contains new PTO funding issues. First, the bill set aside $20 million to fund an office called the Under Secretary of Commerce for Intellectual Property Policy, should such an office be created. This office does not yet exist but is advocated by the administration, which seeks to add it to my Omnibus Patent Act, S. 507. I am negotiating with the administration with regard to the possible creation of such an office. But one thing seems clear: if that office is created, it will not need a budget of $20 million. Thus, I cosponsored an effort by Senator LAUTENBERG to reduce that amount.

I want to thank both Senator LAUTENBERG for his efforts and Senator GREGG for agreeing to modify that provision. Instead of $20 million, the bill now sets aside an amount up to 2 percent of the PTO budget. That is a maximum of about $14 million. That is a more realistic number, and, I suspect that, should the office be created, it would not even need that much.

The second new issue raised by this legislation deals not with the surcharge, but with the base fees. In the past, the PTO has been permitted to collect and spend whatever amount of base fees is generated in a given year. This is logical, since increased filings will increase work for the PTO but also generate more money with which to do that work. But this bill sets a cap on the base fees that PTO may not exceed, regardless of how much they collect. This is of serious concern to me, Mr. President, as it risks leaving the PTO with an increased workload but with insufficient funds to conduct proper patent examinations and trademark registrations.

The House Appropriations Committee did not set a similar cap. Rather, the House has continued the standard practice of allowing the PTO to spend whatever the base fees happen to generate. Mr. President, the language in the Senate version risks leaving the PTO unable to perform its vital task of protecting the work of Utahns and all other American inventors. I urge the conference committee to adopt the House language and not impose a new cap on the Patent and Trademark Office.

Mr. President, I led the fight for the balanced budget amendment. In balancing the budget, it is unjust to force American inventors to bear a greater burden than the ordinary taxpayer.

Mr. MOYNIHAN. Mr. President, this morning I learned from the mayor of the Village of Owego of a problem he is having with the village's share of the local law enforcement block grant. As we are concluding the debate on the Commerce, State, Justice appropriations bill today, I thought it might be appropriate to bring the matter to the attention of the Senator from New Hampshire and the Senator from South Carolina. I intend to pursue the matter with the Justice Department, but I may need to ask their help at some point.

Mayor Hogan informs me that after recently receiving a letter from the director of the Bureau of Justice Assistance concerning the application process for fiscal year 1997 funds, and while filling out the fiscal year 1997 application, village officials discovered that 1996 funds had been available to them. They had never been notified. A Bureau official then told them that some requests for applications had been sent to incorrect addresses. Village officials contacted the supervisor of the nearby Town of Owego, who remembered receiving the application notice meant for the village. However, the application deadline passed 9 months ago. The village lost out on $10,840 through no fault of its own.

Mr. President, $10,840 may not seem to be a large sum these days, but for the Village of Owego it is. It constitutes three-quarters of 1 percent of the village tax base. If three-quarters of 1 percent of the total Federal receipts for 1998 were at stake, we would be talking about $11.7 billion, and that would have our attention. I hope the Senators from New Hampshire and South Carolina will consider assisting in this matter if necessary.

Mr. GREGG. I would certainly like to be kept informed about the situation, and I hope the Senator from New York will do so.

Mr. HOLLINGS. I too would like to know if the Bureau of Justice Assistance can help.

Mr. BYRD. Mr. President, I would like to express my congratulations to the distinguished Chairman, Senator GREGG, and Ranking Member, Senator HOLLINGS, for a very thorough, fair, and bipartisan Commerce, Justice, State, the Judiciary, and Related Agencies Appropriation Bill. It is my understanding that Chairman GREGG was most respectful of his ranking member's concerns in drafting this legislation. It is my further understanding that Chairman GREGG and his staff have embraced Senator STEVENS' philosophy as chairman of our full committee that embodies open disclosure, full cooperation, and respect for the interests of the members of both sides of the aisle. As a result, we have before us an excellent bill, drafted in the spirit of bipartisanship with the best interest of our Nation at heart.

The appropriation bill before us provides $31.6 billion dollars for the Departments of Commerce, Justice, State, the Judiciary, and related agencies. This is an increase of $1.4 billion over current levels. It is about one-half a billion dollars below the President's request, excluding the administration's request for advanced appropriations. Again, the committee has demonstrated its commitment toward fighting crime and supporting law enforcement initiatives by providing the Department of Justice with $17.3 billion in appropriations. When taking offsetting collections from fees into account, the Department's total resources made available in this bill are about $19.3 billion. Within this amount many important programs are funded, including the President's COPS on the Beat Program, 1,000 more border patrol agents in the Immigration and Naturalization Service, a new block grant program to address juvenile crime and related programs, and an increased budget for initiatives addressing violence against women. Also included is $3.075 billion for the Federal Bureau of Investigation, an increase of $238 million above the current year. Funding increases are provided to complete the new forensics laboratory at Quantico, VA, and to combat child exploitation on the Internet. A total of $1.091 billion is provided for the Drug Enforcement Administration and $332 million for the Immigration and Naturalization Service.

Mr. President, we have before us a good bill that I will join Senators HOLLINGS and GREGG in supporting. In closing, I commend the work of committee staff. On the majority staff, I acknowledge and thank Jim Morhard, Paddy Link, Kevin Linskey, and Dana Quam for their professionalism and spirit of bipartisanship. On the minority side, I thank Scott Gudes and Emelie East for their many hours of work on this bill.

Mr. KOHL. Mr. President, I just wanted to thank Senator GREGG and Senator HOLLINGS and their staff for their hard work on this bill and especially for their efforts in the area of crime prevention. Since the passage of the Crime Act in 1994, I have worked here in the Appropriations Committee and on the Senate floor to provide funding for proven crime prevention programs and to maintain a reasonable balance between law enforcement and prevention. During that time, Senator GREGG and I have had our differences over the need for these programs. This year, however, I was very pleased to work with Senator GREGG on this issue and these discussions resulted in a total of $75 million for a new program that expands upon the Juvenile Justice Act's title V. This program gives local communities broad discretion to fund a variety of crime prevention efforts, while guaranteeing that not all of our

anticrime effort goes to law enforcement alone. Consistent with this initiative, the Judiciary Committee reauthorized title V in the juvenile crime bill reported out of committee last week.

While this is a large step in the right direction, some small but effective crime prevention efforts that were funded in last year's bill have, unfortunately, been eliminated this year—including the President's Crime Prevention Council. I look forward to working with Senator GREGG and Senator HOLLINGS to address these problems as we move forward with this bill.

In closing, I would like to reiterate my thanks to Senator GREGG and Senator HOLLINGS for their support of significant crime prevention funding. In communities across the Nation, their efforts will make a difference in the lives of millions of young people.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

Mr. GREGG. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 1757.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 1757) entitled ''An Act to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organizations (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.'', and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate insist on its amendments, agree to the request of the House for a conference, and further the Chair be authorized to appoint conferees on the part of the Senate.

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

The PRESIDING OFFICER. (Mr. THOMAS) appointed Mr. HELMS, Mr. COVERDELL, Mr. HAGEL, Mr. GRAMS, Mr. BIDEN, Mr. SARBANES, and Mr. DODD conferees on the part of the Senate.

Mr. GREGG. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. HOLLINGS. As I understand from my distinguished chairman, we are awaiting the leader's approval of resuming proceedings as if in morning business because on our particular bill, State, Justice, Commerce, there has been an agreement that we vote at 3:30. There could be a couple of amendments that have a couple minutes a side to explain prior to the vote. So pending the approval there, I would ask unanimous consent for just a couple of minutes for comments to be connected with the earlier comments I made on the budget. Is that all right?

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

SMOKE AND MIRRORS OF THE BUDGET

Mr. HOLLINGS. I wanted to comment with respect to the usual smoke and mirrors of this year's budget. I wish, of course, our distinguished chairman of the Appropriations Committee, the distinguished Senator from Alaska [Mr. STEVENS], was still in the Chamber because he initiated the actual spectrum auctions discussion for the simple reason that we have pretty well drained the pot there.

On our last auctions, billions were expected, but we only received millions. Some of those bidding have now been put into receivership and have not responded to their particular bid. So we know now that under this particular agreement, when it calls for some $26.3 billion to come from spectrum actions, we will be lucky to get half of that amount. There again is more smoke and another mirror.

Specifically, they who designed it agreed that it was smoke and it was a mirror in that they then backed it up with the universal service fund provision. This, of course, is a private fund, gotten together by the particular entities in communications where they measure each month the amount of traffic that they have had and the amount necessary to go into the universal service fund. It is a private fund, and there is a question legally whether you can even account for it. I don't know how CBO would score it, but we know that the agreement between the President and the leadership last evening leaves this space blank. Because, whatever is needed and is not allowed by the Congressional Budget Office in its measurement with respect to spectrum auctions, they then put into that particular blank space, whether it is $3 billion, $4 billion, $5 billion or otherwise.

The entitlement cuts, of course, are back loaded with 75 percent of the entitlement cuts to occur the last 2 years. And, of course, the most smoke and the biggest mirror of all is using, if you please, pension funds to make the budget appear balanced. Actually, we spend the money out of the pension funds. We spend the money out of Social Security; we spend the money out of the military retirees' fund; we spend the money out of the civil service retirees' fund; we spend money out of the airport and airways trust fund; we spend money out of the highway trust fund, and allocate that in the accounting to what they call a unified budget to make it look or appear balanced.

That is the most smoke, that is the biggest mirror, that is the biggest shibboleth that is accepted by the free press. I don't know whether those in journalism ever had an arithmetic course, but the question is whether are you spending more than you are getting in each year in Government. At the State level, we measured it more specifically. We had to not only to balance the budget but also have reserves before Moody's and Standard & Poor's and other groups would give us our AAA credit rating. We have that in my particular State, but no such approach is used here at the Federal level. They use, continually, the smoke, the mirrors, and the biggest one of all which is to include, by the year 2000, over $100 in trust fund surpluses to make the budget appear balanced.

So I think this completes my comments on the reality of this particular budget agreement that is called balanced when the very authors themselves know there is no chance of it being balanced.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 28, 1997, the federal debt stood at $5,369,966,109,620.66. (Five trillion, three hundred sixty-nine billion, nine hundred sixty-six million, one hundred nine thousand, six hundred twenty dollars and sixty-six cents)

Five years ago, July 28, 1992, the federal debt stood at $3,993,518,000,000. (Three trillion, nine hundred ninety-three billion, five hundred eighteen million)

Ten years ago, July 28, 1987, the federal debt stood at $2,299,649,000,000. (Two trillion, two hundred ninety-nine billion, six hundred forty-nine million)

Fifteen years ago, July 28, 1982, the federal debt stood at $1,088,071,000,000. (One trillion, eighty-eight billion, seventy-one million)

Twenty-five years ago, July 28, 1972, the federal debt stood at $435,641,000,000 (Four hundred thirty-five billion, six hundred forty-one million) which reflects a debt increase of nearly $5 trillion—$4,934,325,109,620.66 (Four trillion, nine hundred thirty-four billion, three hundred twenty-five million, one hundred nine thousand, six hundred twenty

dollars and sixty-six cents) during the past 25 years.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as Senator from Wyoming, asks that the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:29 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The Senate will resume consideration of S. 1048, the Department of Transportation appropriations bill, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1048) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Shelby (for D'Amato-Moynihan) amendment No. 1022, to direct a transit fare study in the New York City metropolitan area.

AMENDMENT NO. 1022

The PRESIDING OFFICER. Pending is amendment No. 1022 to the bill offered by Senator SHELBY on behalf of Senator D'AMATO.

Mr. HUTCHINSON. 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. SHELBY. 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. SHELBY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 1022, offered by the Senator from Alabama on behalf of the Senator from New York, Senator D'AMATO, to bill number S. 1048.

Mr. SHELBY. I ask unanimous consent that we temporarily set that amendment aside.

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

Mr. SHELBY. Mr. President, we are now resuming consideration of the fiscal year 1998 Transportation appropriations bill under a unanimous-consent agreement reached last evening. I believe this is important legislation that will have very significant effects on every State in this Union. It sets a record-high obligation ceiling on Federal highway spending. It provides the resources for the Federal Aviation Administration and the U.S. Coast Guard to operate our Nation's airways and waterways safely and efficiently.

Mr. President, it increases, again, our commitment to improving highway safety in this Nation. We want to finish our deliberations on this bill and pass it, if we can, and I ask now for the cooperation of all my colleagues in the Senate who have the option to offer amendments under the consent agreement and have not yet brought them to our attention. I would like for them to come to the floor with their amendments.

Later, I intend to seek a unanimous-consent agreement that all amendments must be offered this evening, that we debate any amendments on which there is disagreement this evening, and that we have a final vote tomorrow. Accordingly, I encourage all Members desiring to speak on the bill on any of the amendments that they propose to come to the floor as soon as possible.

Further, Mr. President, I ask unanimous consent that the following amendments—we have a list of amendments and some of them we have worked out and will be stricken. If I could, I would like to go through the list of the ones that we worked on and we will not have to consider. First is the Hollings amendment on the list; the Graham transit amendment; the Durbin amendment; two amendments by Senator ENZI; the Mack amendment; one of the Abraham amendments; the Bond amendment—two of the Bond amendments. I believe that would take care of a number of them. Some of the other amendments still will be before us, we hope, in some form soon or will be disposed of in some way.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, this has been cleared on this side. Therefore, we have no objection.

The PRESIDING OFFICER. No objection is heard to the agreement.

Mr. BYRD. Mr. President, I rise in strong support of S. 1048, the Transportation appropriations bill for fiscal year 1998.

The Transportation appropriations bill may be the most important of all the appropriations bills. It establishes the Federal investment level in our Nation's highways, airports, passenger, rail, and mass transit systems. I have spoken many times on the Senate floor regarding the importance of maintaining and improving the Nation's physical infrastructure. Our economy is highly dependent on the efficient movement of goods and people. Congestion and capacity constraints on our Nation's highways and delays at our airports cost the U.S. economy billions of dollars each year in lost productivity. But while the estimated costs associated with congestion grow each year, our Federal investment in infrastructure has continued to decline significantly.

Indeed, since 1980, our national investment in infrastructure has declined, both as a percentage of our gross domestic product and as a percentage of our Federal budget. The bill before the Senate today seeks to reverse the destructive trend of Federal disinvestment. Most importantly, as far as this Senator is concerned, the Federal aid highway obligation ceiling will rise to a historic high of $21.8 billion, an increase of more than $3 billion, or 17 percent. Our Nation's airports will enjoy a 16-percent increase in Federal funding for critical capital and safety improvement projects, an increase of $260 million.

Now, Mr. President, these additional highway funds are sorely needed in all States of the Nation. Indeed, the historic $3 billion increase is still only one-fifth the size of the increase that the Federal Highway Administration estimates would be necessary to cease deterioration in the condition of our National Highway System. Put another way, if we wanted to see a net improvement in the condition of our roads and bridges, we would be required to provide an increase in excess of $15 billion in the bill, or a total of almost $37 billion. Unfortunately, the restrictions that have been placed on domestic discretionary spending through the Federal budget process preclude us from providing such an increase through this bill. But I still want to commend the managers for making our Federal investment in highways a priority in the development of this bill.

These highway funds are not the only critical investments in this bill. The Transportation appropriations bill includes our entire annual investment in critical safety programs in all modes of transportation. These include investments to maintain and modernize our air traffic control system, programs for the prevention of drunk driving, funding for rail safety inspectors and motor carrier inspectors, as well as programs of the National Highway Traffic Safety Administration and the National Transportation Safety Board.

Mr. President, when one considers the costs to society in terms of the thousands of lives lost each year through accidents involving our transportation system, the devastation is great. Whether it be highway deaths, or airline disasters, or train accidents, it matters little to those who lose their lives, or to those who are permanently disabled, or to their families, as to which mode of transportation was involved. We simply must do all that we can to reduce the death and the destruction that occurs annually in our various transportation systems.

In doing so, we not only save lives, we also save the billions of dollars that these accidents cost the economy each year in terms of property damage and lost productivity, as well as the health care costs—and they are often long-term—associated with these tragedies.

I believe it is necessary to point out, Mr. President, that it will require a two-step process for us to get increased highway construction funding, as well as highway safety funding to our States. This appropriations bill is the first step, but it will be equally essential for us to pass the surface transportation authorization bill in the very near future. Our major Federal highway construction, highway safety, and mass transit programs are set to expire in less than 10 weeks' time. As has been the usual convention, the annual appropriations bill sets an obligation limitation on these highway construction, highway safety, and mass transit programs.

But it is the responsibility of the authorizing committees—the Committees on Environment and Public Works and Commerce and Banking—to provide the necessary contract authority so that these programs will continue beyond September 30. I know it has been the stated desire of the majority leader to bring such an authorization bill before the Senate as soon as possible. And I am one of many Senators who anxiously await an opportunity to debate a new surface transportation authorization bill on the Senate floor.

Mr. President, I commend Senator SHELBY for his excellent work in his first year as chairman of the Transportation Subcommittee. He held a thorough and informative set of hearings at the beginning of the year. I was pleased to have had the opportunity to participate in some of them. And I also commend Senator LAUTENBERG, the ranking member of the Transportation Subcommittee, who, as ranking member of the Budget Committee, toiled diligently to ensure that the budget resolution treated transportation as an important budget priority for the coming year.

Senator SHELBY and Senator LAUTENBERG have continued to act in the cooperative bipartisan fashion that has always characterized the workings of the Transportation Subcommittee.

Mr. President, these Senators, who act as managers of a bill as important as this is, put an immense amount of time into their work. They conduct thorough hearings. They work with able staff. They conduct markups on the bill at the subcommittee level, and the bill is generally approved by the Appropriations Committee. The bill has usually emanated from the subcommittee, and seldom does the full committee make changes in those subcommittee actions that go into the formulation of the bill.

I know that Senator SHELBY has worked hard, and he has done a good job, as did Senator LAUTENBERG when he was chairman of the Transportation Subcommittee. They are both highly dedicated to their work, and they are both very well respected. And I want to commend both of these Senators. They are working in the best interests of the Nation. They are working in the best interests of the States that make up the Nation. And they are working in the best interests of the future and the people who will depend upon adequate modes of transportation today and in the future.

I also want to thank the Presiding Officer. I note that he listens to what Senators are saying. And that is important. He is alert to what is going on, on the floor. He is alert to what is being said. He is not working crossword puzzles. He is not signing his mail. He is not reading a book. He is busily engaged in the business of presiding. So I compliment all of these whose names I have mentioned.

As I think of the work that is done by Senator SHELBY and Senator LAUTENBERG, I used to be the chairman of the Transportation Appropriations Subcommittee a good many years ago. I was instrumental years ago in helping to get the first appropriations for the metropolitan transit system here. That was before most Senators were Members of this body. But I saw the need for a transportation system in the District of Columbia to serve the metropolitan area, and I supported mass transit throughout the years. When I was chairman of the full committee, I did not come to bury mass transit. I came to praise mass transit and to save mass transit and to help mass transit. I am sorry to say that I have not been accorded the same reciprocity toward highways, especially from some of the Members of the other body. I don't mention names because that is against the Senate rules.

But we are all working for the Nation. And when we work to improve the transportation of the Nation, we work to build the Nation's prosperity. We work for the increased safety of those who travel, and we work for the young men and women who will be the leaders of the Nation in years to come.

It reminds me of a bit of verse by Will Dromgoole. One might think that that author was a man. The name is Will, but it was a woman.

An old man traveling a long highway
Came at evening, cold and gray
To a chasm vast and wide and steep,
With waters rolling cold and deep.
The old man crossed in the twilight dim;
The sullen stream held no fears for him.
But he turned, when he reached the other side.
And he built a bridge to span the tide.
''Old man,'' said a fellow pilgrim standing near.
''You are wasting your strength in building here.
Your journey will end with the passing day,
And you never again will travel this way.
You have crossed the chasm deep and wide;
Why build you a bridge at eventide?''
The builder lifted his old gray head.
''Good friend, in the path I have come,'' he said,
''There followeth after me today
A youth whose feet must pass this way.
This chasm, which was but naught to me,
To that fair youth might a pitfall be.
He, too, must cross in the twilight dim.
Good friend, I am building this bridge for him.''

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent I be allowed to speak as if in morning business.

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

U.S. STATE OF READINESS

Mr. INHOFE. Mr. President, I saw a very interesting article in Friday's Washington Times that has brought to surface the truth that is so often avoided around here concerning our state of readiness in our Nation' defense system.

As the chairman of the readiness subcommittee of the Senate Armed Services Committee, I have had occasion to visit many, many of the installations around the country. I have been in the European theater, most of the installations in England, Italy, Hungary, and, of course, several times to Bosnia, Camp Lejeune Marine Corps Base; Fort Hood, TX; Fort Bragg, NC; Corpus Christi Navy Air Base, and several others. What I am finding is that there are very serious problems they are facing.

Mr. President, I know you are aware, as chairman of the personnel subcommittee, of some of these problems and how they are affecting our state of readiness. One of the contributing factors, of course, is our contingency operations. We have two serious problems with contingency operations. First of all, they are very expensive. We had occasion to narrowly lose our resolution of disapproval in order to keep our troops from being sent over to Bosnia here back in December 1995—only by four votes. And one of the determining factors was they said it would be a 12-month operation, which we all knew better, but they also said that the cost of the operation would not exceed $2 billion, it would be somewhere between $1.5 and $2 billion. At that time we felt, with mission creep and the fact it was easy to go in and very difficult to come out, that it would cost more.

Well, sure enough. We are up there now, close to $7 billion it is going to cost us.

Where does that money come from, Mr. President? It comes from our readiness accounts. This has become a very serious problem.

The other problem is that it is using up our troops, keeping them from being

able to be trained properly should an emergency come along, should some type of war operation become necessary to face. I have been going around, and they have been bringing out problems such as equipment is wearing out well before its projected lifetime, excessive usage of spare parts, pushing our people so hard they no longer have time to train. At almost every unit I saw maintenance personnel cannibalizing perfectly good, new equipment to keep other equipment working, which may solve the problem for today but it is very labor intensive by the time they get the machines working again.

An Air Force maintenance officer told me, ''Our lack of spares has caused us to cannibalize perfectly good engines to keep others operating, requiring my maintenance troops to work even more hours to keep our planes flying. Our normal workweek is now 50 to 56 hours a week.''

With regard to OPTEMPO—when we talk about OPTEMPO, we are talking about the tempo of operations—an F–18 squadron commander told me, ''The high OPTEMPO at which our personnel are operating is definitely causing a strain on our people's families and the strain also affects my pilots' job performance.''

We know our retention is low. In my State of Oklahoma, we will spend—we actually save $86,000 a primary student. That is the savings. Imagine what it costs to put someone in training. Right now the airlines are coming along and taking some of our very best. And the ones I talked to, Mr. President, do not want to leave. They want to stay in. They are soldiers, they are fighters, but they have to do it. And their family situation is demanding that they do.

An Air Force F–16 squadron commander said, ''The number of days we fly to support Bosnia doesn't leave us with enough time to train. The only areas where we get training from our Bosnia missions is in reconnaissance and close air support. The rest of our training areas are suffering.''

This goes on and on. An Air Force C–130 squadron commander told how they are now up to 160 days in their TDY as opposed to their goal of 120.

Now, what does this do? It is quite obvious. When you talk to the services, you give them choices. You say, well, if you are going to have to take money to put in these contingency operations, it is going to either have to come out of force strength, readiness, quality of life, or modernization. Those are the only four areas over which we have control. And I can tell you that each one of the chiefs has said we cannot take any more money out of any of these areas.

Now, there is an assumption around here that somehow we have a state of readiness that would allow America to protect itself in two regional contingencies. I can tell you right now that this is not the case. In fact, it has been stated by most of the chiefs now that we could not fight today the Persian Gulf war.

I will just read a couple excerpts from the article that came out Friday morning. It is the first time I have seen it in print. It was in the Washington Times Friday morning. It said, ''The Air Force is suffering from pilots who have lost faith in their generals, jet engines that still don't work after repairs, and maintenance depots with little quality of work being produced. Pilots complain of poorly equipped fighter wings, too much time away from their families, and air patrol types of missions that do little to hone their air combat skills.'' And it goes on and on.

Mr. President, I ask unanimous consent that at the conclusion of my remarks the article of Friday morning be printed in the RECORD.

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

(See exhibit 1.)

Mr. INHOFE. In conclusion, Mr. President, right now I think we are facing a very serious threat. I know there are people in this Chamber who would like to believe that the cold war is over and that there is no longer any real serious threat out there when, in fact, as I have said several times before, I am not the only one who looks back wistfully at the days of the cold war; at least then we had two superpowers and we had an idea of what the Soviet Union at that time had. We could predict what they were going to do. They have a more predictable type of personality. Our intelligence knew more about what their capabilities were. Today we have 25 or 30 nations out there, run by the type of people who murder their own grandchildren, and here we are in a position where we could very easily be challenged in two geographic areas.

So, Mr. President, I hope as we progress here and as we follow through the rest of the year we can change some of the attitudes in this Chamber and over in the other Chamber and in the White House as concerns our ability to defend America.

EXHIBIT 1

AIR FORCE LEADERS LOSE PILOTS' FAITH—PENTAGON MEMO DETAILS LOW MORALE, SHODDY WORK

(By Rowan Scarborough)

The Air Force is suffering from pilots who have lost faith in their generals, jet engines that still don't work after repairs and maintenance depots with ''little quality or quantity of work being produced,'' according to an internal Defense Department memorandum.

The draft memo, a copy of which was obtained by the Washington Times, paints a troubling picture of the state of American air power.

It says Air Force pilots are in the dumps, fleeing the service at a rate higher than aviators in the Army, Navy or Marines.

''Many pilots expressed great distrust of the senior leadership,'' said the memo prepared for Louis Finch, deputy undersecretary of defense for readiness. The memo calls the Air Force cadre of instructor pilots ''a very disgruntled group.''

The memo didn't spell out why the senior leadership, including Air Force Secretary Shelia Widnall and Gen. Ronald Engleman, the chief of staff, has failed in the eyes of pilots.

But the service has been hit by a series of public-relations disasters, including the Khobar Towers terrorist bombing that killed 19 service members and the attempted court-martial of Lt. Kelly Flinn. Pilots complain of poorly equipped fighter wings, too much time away from their families and air patrol-type missions that do little to hone air-combat skills.

''Discussions with fighter pilots reveal a great deal of dissatisfaction with the ongoing deployments,'' the memo says. ''There is no training, they are not doing what they are trained to do, they are simply 'boring holes in the sky.' Combining this lack of mission satisfaction with increased airline hiring makes civilian life much more attractive.''

In what should be a troubling finding for safety officials, the memo states that nearly two-thirds (65 percent) of engines for the giant C–5 cargo jet are returning from repair shops still malfunctioning.

It says two major depots in California and Texas are caught up in the battle between Congress and President Clinton over whether they should stay open. A nonpartisan base-closure commission recommended closing the air-logistics centers in Sacramento, Calif., and San Antonio and transferring the work elsewhere.

But last year Mr. Clinton, making what critics say was a political decision to garner votes in two large states, said the bases would be handed over to civilian companies.

Said the Pentagon memo, ''Due to the ongoing political contest regarding privatization, there is little quality or quantity of work being produced. Both workers and plants are underutilized. Further, the operational units are not satisfied with the products received from the depots.''

It is the San Antonio depot that is sending out malfunctioning C–5 jet engines, the memo states. ''Currently, there is a 65 percent reject rate of the engines coming back from [San Antonio],'' it states. ''The quality is getting better though.''

Dated yesterday, the memo seems to bolster complaints from pro-defense conservatives in Congress. They contend the Clinton administration is underfunding the armed forces at the same time it deploys troops at a high rate around the world.

Robert Maginnis, a retired Army lieutenant colonel, said the report shows the negative effects of cutting defense spending by more than 30 percent the past five years.

''The sad state of Air Force readiness can be blamed on the Clinton administration, which treats the military as a toy to be deployed for meals-on-wheels-type missions without due consideration for its impact on readiness,'' said Mr. Maginnis, an analyst at the conservative Family Research Council.

''Depots are caught in never-never land between privatization, base closures and status quo,'' he said. ''The results are devastating.''

Maj. Monica Aloisio, a Pentagon spokeswoman, said the memo is a ''trip report'' periodically done on all four branches. The Pentagon readiness office uses such reports in making budget recommendations.

The Air Force declined comment, saying the report is still in draft form.

The report was based on site visits by defense officials in June to warplane squadrons, repair depots, the Air Force entry-level pilot school and an air-refueling unit.

It draws a particularly negative portrait of pilot morale at the Air Education and Training Command at Randolph Air Force Base, Texas.

The inspection report calls Randolph a ''poor training ground for future pilots.''

''The instructor pilots at Randolph are sick of high 'OPTEMPO' [operational tempo],'' says the memo. ''Most said that they came to Randolph as a three-year break from being gone from home too much on deployment. Most of the pilots also said that they will be getting out of the Air Force as soon as their commitment is over.

''The pilots liked the quality of the mid-level leadership, but totally disliked their senior leadership. They stated that they did not trust senior leadership and that things are getting worse. In general they felt they were lied to, betrayed and treated very poorly.''

Officers at the 940th Air Refueling Squadron complained of excessive training.

''Everyone complained that the number of days of mandatory training per year should be capped and purged of everything that is not mission essential or job critical,'' the memo said. ''All of the politically correct, brainwashing, propaganda and white laboratory mouse training should be purged from the curriculum.''

Mr. INHOFE. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for about 5 minutes as in morning business.

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

Mr. WELLSTONE. I thank the Chair and thank my colleague from West Virginia.

The PRESIDING OFFICER. The Senator from Minnesota.

THE BUDGET AGREEMENT

Mr. WELLSTONE. Mr. President, just a few thoughts about the budget agreement. There is still a lot of drafting going on, so to a certain extent I think all of us are at a little bit of a disadvantage in that we have not seen all of the specifics, but I would like to raise a couple of questions about this agreement, and I raise these questions given what I think is the important standard of fairness.

First of all, I hope that all Senators, Democrats and Republicans, will have before them the distributional data, that is to say some understanding as to who will benefit from these tax cuts, before we are asked to vote on the tax-cut part of this bill. It seems to me this is kind of a prerequisite for good public policy. I remain very skeptical that, indeed, these tax cuts, when you look at who is really going to benefit with each passing year, will not disproportionately go to those people who are least in need of any assistance. At the same time, I see a tradeoff that seems quite unacceptable. Every single time it looks like low-income and moderate-income families get the short end of the stick. I think we should set the bar at a higher level, and I think those families should count. Let me just give but a couple of examples.

Mr. President, the child credit, we are now hearing from the White House, will go to families with incomes under $30,000 a year or under $28,000 a year, the argument being that, indeed, these families pay Social Security taxes and they should receive a child credit as well as those families with incomes over $30,000 a year. But, as it turns out, families with incomes under $16,000 a year are not going to receive any child care credit. I have had a chance to travel some around the country and visit with poor children, visit with low-income families. I don't understand how in the world we could be talking about fairness if, in fact, those families are not going to receive any of the child care credits, those families most in need.

Another example is on the higher education piece. I have said this over and over again, and I hope I am wrong, but I don't think I am. I was a teacher for 20 years. I spent a lot of time at the community colleges. Mr. President, if the tax credits are not refundable, then those students or those families with incomes under $28,000 a year or $27,000 a year, that are not going to have any tax liability, they are not going to receive any of the assistance. So when it comes to those students who have been least able to afford higher education, they are still going to be waiting for some of this assistance.

Add to that some of the concerns that I think all of us have to have about the cuts or reductions in payment in Medicare and medical assistance, in particular those of us—and I come from such a State—where we have strong rural communities. We have to worry about the negative impact this is going to have on rural health care providers. If we don't have hospitals or clinics, then we are not able to deliver the care out in our communities. We have to have concerns about the disproportionate effect this is going to have on our children's hospitals and public hospitals that have received a disproportionate amount of medical assistance because they serve a disproportionate number of low-income and moderate-income people.

So, the question really becomes: Where is the standard of fairness if the tax cuts still, in the main, go to the very top of the economic population and at the same time the benefits don't go to many, many hard-pressed families? We have not invested, in this budget agreement, one penny in rebuilding crumbling schools. As it turns out, families with incomes under $16,000, with children, receive no help by way of the child credit. Those students from families with incomes $23,000, $24,000, $25,000 a year are not going to benefit from the Hope scholarship unless it's a refundable tax credit. We are not investing in the schools, and at the same time we don't even have the distributional data on who exactly is going to benefit from these tax cuts.

So I count myself as a skeptical Senator. And if I was going to be voting today, I would vote against this package. I do not think it meets the Minnesota standard of fairness. I think we should do better.

Mr. President, I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, what is the pending business before the Senate?

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The pending business of the Senate is to resume consideration of Senate bill 1022.

The Senate continued with the consideration of the bill.

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

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

AMENDMENT NO. 995

Mr. GREGG. Mr. President, I ask unanimous consent that the yeas and nays on the Kyl amendment No. 995 be vitiated.

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

Mr. ABRAHAM. Mr. President, I rise in support of the amendment of my friend from Arizona.

As a preliminary matter, I should say that I would have hoped that this amendment would not be necessary. I do not believe there is any real difficulty in reconciling the provision from last year's omnibus appropriations bill prohibiting the use of judiciary's funds to pay for special masters appointed pre-PLRA with the PLRA's requirement that masters be paid only with such funds. I believe this can easily be done without violating the intent of the PLRA's authors, including my friend from Arizona and myself, that the PLRA's compensation and other requirements be applied to pre-PLRA masters.

The way to reconcile them is clear: the court can either proceed without a special master, or it can appoint a new one—or reappoint an old one—in the manner specified by the PLRA, thereby making the master eligible for payment under the terms of last year's rider. Indeed, in a discussion at the end of the last Congress, the distinguished chairman of the CSJ Appropriations Subcommittee and I agreed that this was the intended interpretation of the appropriations provision.

Nevertheless, some courts have instead used this provision as one basis for concluding that the compensation requirements, and even special masters provisions other than the compensation requirements, do not apply to masters appointed pre-PLRA, or even in some instances to masters appointed post-PLRA in pre-PLRA cases.

Let's look at the continuing saga of the Rikers Island jail in the Benjamin versus Jacobson case. The basic issue there is whether, as a result of the PLRA, the court will allow Rikers to store its mops right side up or upside down, and whether the jail has to use Borax in a particular concentration to clean certain public areas or whether it should be allowed to use a different concentration, or even a different detergent. Or to put the question a little more seriously, the issue there is whether within the constraints of the Constitution, New York City will be allowed to run its jail according to what it, rather than an unelected special master, believes is sound prison policy.

This year, Judge Baer—whose earlier handling of the central aspects of this case was frankly a model of judicial restraint—issued an order requiring New York City to continue to fund the special master's office at approximately $275,000 a year, pay for office space, and provide a car and a parking space. The order even specified that the car had to be of a certain type and quality.

Judge Baer had earlier held that the PLRA required dissolution of the consent decree that had been governing Riker's for years, but the court of appeals stayed that order pending appeal. Thus, the order retaining the special master on the old terms was issued in a case that predated the PLRA, but where it was clear by its own terms that the order appointing the master had expired. Moreover Judge Baer had previously upheld the constitutionality and retroactivity of the other provisions of the act.

For all these reasons one would have thought it clear that even if last year's prohibition were construed to allow the court to impose the costs of pre-PLRA-appointed masters on the States, the act's limitations on special masters should be applied to the reappointment of this one. Nevertheless, without holding the special masters limitations unconstitutional, Judge Baer simply declined to follow them on the theory that the court of appeals stay of his original order upholding the other provisions of the PLRA was a mandate for him to preserve the status quo in all respects.

I think the real lesson of this and many other decisions regarding the PLRA's limitations on prospective relief, as well as many of the decisions concerning the new habeas provisions, is that judges, like other human beings, tend to resist change. What, after all, is the old maxim that statutes in derogation of the common law shall be strictly construed, if not a fairly blunt statement that courts will construe any ambiguity in favor of their own ways of doing things?

By clearing up what may seem to some an ambiguity, the amendment of my friend from Arizona removes one possible source of authority to which a court can turn in an effort to exercise broad powers through a special master while making the State or locality whose powers are being usurped foot the bill.

Accordingly, I am pleased to support his amendment.

Mr. LEAHY. Mr. President, this amendment applies to only a few States that have been found liable for violations of civil rights or constitutional rights of prisoners in their prisons before enactment of the Prison Litigation Reform Act of 1995. There are about 35 special masters supervising prison conditions that might be affected by this amendment, although the Administrative Office of the Courts expects that number to be reduced to 28 by October 1.

Why should Congress and Federal taxpayers be required to bail out these few States for their poor prison conditions, unconstitutional treatment, and history of noncompliance with their own consent decrees?

The Congressional Budget Office and Administrative Office of the Courts estimate that this amendment will cost the Federal Treasury about $3 million this year. Why should U.S. taxpayers bail out a few States for one of the costs of bringing their state prison conditions up to constitutional standards? Will we next be asked to pay for the other remedial aspects of the decrees that have been agreed to by State officials? If States want flexibility to use some of the billions of dollars for prisons that the Federal Government has made available to the States since passage of the Violent Crime Control and Law Enforcement Act of 1994 to help defray these costs and expenses, I would support that.

This amendment raise constitutional concerns because it retroactively and statutorily seeks to overturn consent decrees where States have agreed to foot the bill for a special master to monitor their poor prison conditions and implementing remedies to bring them up to constitutional standards. Why should Congress overturn decrees already agreed to by the States involved in these lawsuits over poor prison conditions? Why should Congress intervene when these matters are already being reviewed by newly assigned judges in these cases?

The Prison Litigation Reform Act, which was included in last year's omnibus spending bill, has been construed by the courts not to be retroactive in order for it not to be held unconstitutional. This amendment crosses that line and seeks to extend certain questionable provisions of that law back in time and have them apply to cases that it was not designed or intended to cover. It will lead to additional constitutional challenges.

This amendment would bail out a few States by taking money from the Federal Judiciary's administrative account. That account pays for improvements in computers in courtrooms, teleconferencing, and other services that make the administration of justice more effective and efficient. Why are we taking money away from improving the administration of justice to bail out these few States?

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment No. 995 offered by the Senator from Arizona be agreed to.

Mr. HOLLINGS. I will not object.

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

The amendment (No. 995) was agreed to.

AMENDMENT NO. 1034

Mr. GREGG. Mr. President, I ask unanimous consent that, notwithstanding the previous order, it be in order to send an amendment to the desk.

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

Mr. GREGG. Mr. President, I send the amendment to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1034.

Mr. GREGG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert:

Notwithstanding any other provision in this Act the amount for the Department of State ''capital investment fund'' shall be $105,000,000.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1034) was agreed to.

Mr. GREGG. Mr. President, I suggest the regular order is the vote on final passage.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi, [Mr. COCHRAN] is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Burns	Helms	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wellstone
Faircloth	Lieberman	Wyden

NOT VOTING—1

Cochran

The bill (S. 1022), as amended, was passed as follows:

S. 1022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs 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, $79,373,000; 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.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $29,450,000 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 section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $20,007,000.

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.

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; $437,178,000; 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 $24,555,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through ''Salaries and Expenses'', General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further,* That not to exceed 4 permanent positions and 5 full-time equivalent workyears and $470,000 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 nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

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, $82,447,000: *Provided*, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for pre-merger 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 $12,447,000: *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, $986,404,000; 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 $8,000,000 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 $10,000,000 shall remain available until expended to support Violent Crime Task Forces in United States Attorneys Offices, of which $5,000,000 shall be available for the expansion of several existing Task Forces into regionally-diverse 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 8,652 positions and 8,936 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), $46,128,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $11,408,000 shall be available for Southwest Border Control and $9,747,000 for expeditious deportation of denied asylum applicants.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $116,721,000, 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, $116,721,000 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 $116,721,000 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, $471,786,000, 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: *Provided further*, That not to exceed 6 permanent positions and 6 full-time equivalent workyears and $350,000 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 nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

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: *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 this paragraph 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, to 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; $2,837,268,000, 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 $257,601,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $84,400,000 for the automation of fingerprint identification services and related costs and not to exceed $14,000,000 for research and development related to investigative activities shall remain available until expended; and 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 $60,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed 59 permanent positions and 59 full-time equivalent workyears and $5,470,000 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 nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

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: *Provided,* That notwithstanding any other law relating to employee classification, pay, and performance, the Director, Federal Bureau of Investigation may, with the approval of the Attorney General, design and implement a system of personnel management providing for the classification, pay, and performance of non-Senior Executive Service employees of the Federal Bureau of Investigation. Except as otherwise provided by law, no employee compensated under this system may be paid in excess of the rate of basic pay payable for Level IV of the Executive Schedule. Payments to employees under this system shall be subject to the limitation on payments to General Schedule employees set forth in section 5307 of title 5, United States Code.

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; $59,006,000, 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; $639,265,000, 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: *Provided,* That not to exceed 29 permanent positions and 29 full-time equivalent workyears and $2,134,000 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 nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

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), and for the 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, $441,117,000, 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; $10,500,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

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 2,574, 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 INS and United States Marshals Service's Buffalo Detention Facility; $1,430,199,000, of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $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 the Attorney General may reallocate to the INS training program from other INS programs such amounts as may be necessary for direct expenditure for immigration officer basic training: *Provided further,* That none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used to accept, process, or forward to the Federal Bureau of Investigation any FD–258 fingerprint card, or any other means used to transmit fingerprints, for the purpose of conducting a criminal background check on any applicant for any benefit under the Immigration and Nationality Act unless the applicant's fingerprints have been taken by an office of the Immigration and Naturalization Service or by a law enforcement agency, which may collect a fee for the service of taking and forwarding the fingerprints: *Provided further*, That none of the funds available to the INS shall be available to pay any employee overtime pay in an amount in excess of $25,000 during the calendar year beginning January 1, 1998, except in such instances when the commissioner determines that enforcing this overtime provision would harm enforcement activities: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further,* That the Land Border Fee Pilot Project scheduled to end September 30, 1996, is extended hereafter, for projects on both the northern and southern borders of the United States, except that no pilot program may implement a universal land border crossing toll: *Provided further*, That not to exceed 20 permanent positions, of which not less than 11 permanent positions are caseworkers, and 20 full-time equivalent workyears and $1,737,000 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 nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

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), $719,898,000, 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, $73,559,000, 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; $2,933,900,000: *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, $6,135,000, 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; $267,833,000, 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 $3,042,000 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, $160,165,000, 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.

For an additional amount, $23,000,000, to remain available until expended; of which $5,000,000 shall be for Local Firefighter and Emergency Services Training Grants as authorized by section 819 of the Antiterrorism and Effective Death Penalty Act of 1996 (''the Antiterrorism Act''); of which $14,000,000 shall be for development of counterterrorism technologies to help State and local law enforcement combat terrorism, as authorized by section 821 of the Antiterrorism Act; and of which $4,000,000 shall be for specialized multi-agency response training.

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, $451,500,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $75,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, of which $6,200,000 shall be for the National Center for Missing and Exploited Children, of which $2,000,000 shall be for National Neighborhood Crime and Drug Abuse Prevention Programs, of which $2,097,000 shall be available to the Executive Office of United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center, of which $100,000 shall be available for a grant to Roberts County, South Dakota, for establishment of a 911 emergency system; and of which $900,000 shall be available for a grant to the South Dakota Division of Criminal Investigation for the procurement of equipment for law enforcement telecommunications, emergency communications, and the State forensic laboratory.

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''); $2,154,650,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $503,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, of which $25,000,000 shall be for 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: *Provided*, That of the amount made available for Local Law Enforcement Block Grants under this heading, $10,000,000 shall be 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: *Provided further*, That for the purpose of eligibility for the Local Law Enforcement Block Grant Program in the State of Louisiana, parish sheriffs and district attorneys are to be considered the unit of local government under section 108 of H.R. 728: *Provided further*, That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further*, That $2,400,000 of this amount shall be for discretionary grants for State and local law enforcement to form specialized cyber units to investigate and prevent child sexual exploitation: *Provided further*, That $20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; of which $45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $128,500,000 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 $350,000,000 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 $740,500,000 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 $150,000,000 shall be available for payments to States for incarceration of criminal aliens, of which $35,000,000 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 $160,000,000 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; 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 $7,000,000 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 $61,200,000 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 $15,000,000 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 $3,800,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $40,000,000 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; and of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens as authorized by section 250005(3) of the 1994 Act: *Provided further,* That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: *Provided further,* That section 20105(c) of subtitle A of title II of the 1994 Act (42 U.S.C. 13705(c)) is amended to read as follows ''Notwithstanding any other provision of this subtitle, States may use grant funds to build or expand State or local juvenile correctional facilities and boot camps, for violent and nonviolent juvenile offenders.

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

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 270 permanent positions and 228 full-time equivalent workyears and $24,669,000 shall be expended for program management and administration.

In addition, for activities authorized by the 1994 Act, $40,000,000 for the Police Corps program to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $230,922,000, to remain available until expended, as authorized by section 299 of part I of title II, 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, $86,500,000 shall be available for expenses authorized by part B of title II of the Act, and $29,500,000 shall be available for expenses authorized by part C of title II of the Act; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $12,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $75,000,000 shall be available for the Anti-Truancy, School Violence and Crime Intervention Program.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $4,500,000, to remain available until expended, as authorized by sections 214B of the Act.

JUVENILE BLOCK GRANTS

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Juvenile Justice Block Grant Program, $145,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: *Provided*, That none of the funds appropriated or otherwise made available by this Act for ''Juvenile Block Grants'' may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act.

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 the year in the date therein contained and replacing the same with ''1997 and thereafter''.

SEC. 109. The Director, Federal Bureau of Investigation, is authorized to carry out a 2-year demonstration project showing the viability for the defensive arming of select non-agent personnel: *Provided,* That the Director, Federal Bureau of Investigation, may authorize to carry firearms not more than 50 non-agent investigative specialists assigned to special surveillance groups supporting investigations, counterintelligence and counterterrorism activities: *Provided further,* That personnel designated under this authority shall meet selection criteria established by the Director, Federal Bureau of Investigation, and successfully complete training for firearms proficiency, defensive tactics, and deadly force policy: *Provided further,* That personnel designated under this authority shall not be deemed law enforcement officers under Title 5, United States Code, for pay, retirement, position classification, or other purposes: *Provided further,* That the Director, Federal Bureau of Investigation, shall submit to the Committees on the Judiciary of both the House and the Senate, by March 31, 1999, a report on the viability of the defensive arming demonstration project along with recommendations for permanent authority for non-agent personnel or discontinuance of the demonstraton project.

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. Section 506(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (8 U.S.C. 1182 note, 1255 note) is amended by deleting everything after ''1994''.

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, in the event the Department of the Army has no record of military service of such applicant, the General Headquarters of the Armed Forces of the Philippines; 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. (a) 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—

''(i) who is present in the United States without having been admitted or paroled, or who has been paroled into the United States by the Attorney General specifically for the purpose of obtaining special immigrant status pursuant to this subparagraph;

''(ii)(I) who has been declared dependent on a juvenile court located in the United States if the dependency order is issued pursuant to a request made on behalf of the alien, the court notifies the Attorney General of the request for the order, and the Attorney General expressly consents to the court hearing the request; or

''(II) whom the juvenile 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, except that while the alien is in the actual or constructive custody of the Attorney General, the court shall have jurisdiction to determine the custody status of the alien only if the Attorney General expressly consents to that jurisdiction; and

''(iii) 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; except that 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.''.

(b) ADJUSTMENT OF STATUS.—Section 245(h) of the Immigration and Nationality Act (8 U.S.C. 1255(h)) is amended by striking the period at the end and inserting the following: '', unless the alien was paroled into the United States by the Attorney General specifically in order to apply for such special immigrant status. Nothing in this subsection or section 101(a)(27)(J) shall be construed to require the Attorney General to parole into the United States any alien specifically for this purpose.''.

SEC. 114. (a) Section 1402 of the Victims of Crime Act of 1984, (42 U.S.C. 10601), is amended in subsection (d) by—

(1) replacing ''judicial branch administrative costs; grant program percentages'' in the heading with ''grant programs'';

(2) striking paragraph (1);

(3) replacing ''the next'' in paragraph (2) with ''The first''; and

(4) redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(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. 115. 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. 116. (a) IN GENERAL.—Section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''with a designated State law enforcement agency''; and

(B) in subparagraph (B), by striking ''with a designated State law enforcement agency''; and

(2) by striking paragraph (2), and inserting the following:

''(2) DETERMINATION BY STATE BOARDS.—

''(A) IN GENERAL.—A determination that a person is a sexually violent predator or a determination that a person is no longer a sexually violent predator for purposes of this section shall be made by the sentencing court, after considering—

''(i) the recommendations of the appropriate State board or boards under subparagraph (B)(iii); or

''(ii) with respect to a State described in subparagraph (C), the recommendations of the State, which shall be made in accordance with the procedures described in that subparagraph.

''(B) STATE BOARDS.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), not later than 2 years after the date of enactment of the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Improvements Act of 1997, each State shall establish 1 or more State boards in accordance with this subparagraph.

''(ii) MEMBERSHIP.—Each State board established under this subparagraph shall be composed of—

''(I) experts in the behavior and treatment of sex offenders;

''(II) victims' rights advocates; and

''(III) representatives of law enforcement agencies.

''(iii) RECOMMENDATIONS.—Upon the request of a sentencing court, a State board established under this subparagraph shall make a recommendation to the sentencing court regarding whether a person is a sexually violent predator or whether a person is no longer a sexually violent predator for purposes of this section.

''(C) WAIVER.—The Attorney General of the United States may waive the requirement that a State establish 1 or more boards in accordance with subparagraph (B), if the State demonstrates to the satisfaction of the Attorney General that the State—

''(i) has established alternative procedures for making recommendations to a sentencing court for purposes of subparagraph (A); and

''(ii) will make a recommendation described in clause (i) with respect to any person, upon the request of the sentencing court.''.

(b) 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—

(1) in paragraph (1)—

(A) by striking the paragraph designation and heading and inserting the following:

''(1) DUTIES OF RESPONSIBLE OFFICIALS.—'';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''or in the case of probation, the court'' and inserting ''a designated State agency, the court, or other responsible 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

(C) in subparagraph (B), by striking ''or the court'' and inserting '', the designated State agency, the court, or other responsible official'';

(2) by striking paragraph (2) and inserting the following:

''(2) TRANSFER OF INFORMATION TO FEDERAL BUREAU OF INVESTIGATION AND TO STATE.—

''(A) IN GENERAL.—A designated State agency, the court, or other responsible official, shall forward the registration information to the agency responsible for registration under State law, in accordance with State procedures that meet the requirements of subparagraph (B).

''(B) STATE PROCEDURES.—State procedures shall ensure that, as promptly as practicable—

''(i) the registration information is provided and made available to a law enforcement agency having jurisdiction where the person expects to reside;

''(ii) the registration information is entered into the appropriate State records or data system; and

''(iii) conviction data and fingerprints for registered persons are transmitted to the Federal Bureau of Investigation.'';

(3) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by inserting after ''(a)(1)'' the following: ''with respect to any person required to register under subsection (a)(1)(A), State procedures shall provide for verification of address not less than annually. Such verification may be effected by providing that,'';

(B) in clause (i), by striking ''The designated State law enforcement'' and inserting ''A designated'';

(C) in clause (ii), by striking ''State law enforcement'';

(D) in clause (iii), by striking ''to the designated State law enforcement agency''; and

(E) in clause (iv), by striking ''State law enforcement'';

(4) in paragraph (4), by striking ''section reported'' and all that follows before the period at the end and inserting ''section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is provided promptly to a law enforcement agency having jurisdiction over the location at which the person will reside and that the information is entered into the appropriate State records or data system'';

(5) 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

(6) by adding at the end the following:

''(7) OFFENDERS CROSSING STATE BORDERS.—

''(A) IN GENERAL.—

''(i) REGISTRATION UNDER LAWS OF CERTAIN STATES.—Any person who is required to register in that person's State of residence under this section shall also register in accordance with the law that governs the registration, verification, and notification of sex offenders of each State in which that person is—

''(I) employed or carries on a vocation; or

''(II) enrolled as a student.

''(ii) DEFINITIONS.—In this subparagraph—

''(I) the term 'employed or 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; and

''(II) the term 'student' includes any person who is enrolled on a full-or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education.

''(B) NOTIFICATION REQUIREMENTS.—The State authority responsible for the registration of sex offenders in each State shall ensure that each person who is required to register under this paragraph is notified of the requirements of this paragraph and the potential consequences of a failure to comply with those requirements.

''(8) RELOCATING STATE PROBATIONERS AND PAROLEES.—

''(A) IN GENERAL.—Notwithstanding any conflicting terms of a probation, parole, or transfer agreement, any person who is serving a sentence of probation, parole, or other supervised release for conviction of an offense that requires registration under this section, and who is residing in any State other than the State in which that person was sentenced for that offense, shall register in accordance with the law of the State of residence of the offender that governs the registration and notification of sex offenders, regardless of any registration or notification obligation under the law of the State in which that person was sentenced for the offense.

''(B) EFFECT OF FAILURE TO COMPLY.—A person required to register under subparagraph (A) who knowingly fails to comply with this paragraph, not later than 10 days after the date on which the person establishes residence in a State other than the State in which the person was sentenced as described in subparagraph (A)—

''(i) shall be subject to punishment by a State with respect to which the person is registered under subparagraph (A); and

''(ii) shall be guilty of an extraditable offense, for which a Federal warrant for unlawful flight to avoid prosecution is available.

''(C) NOTIFICATION REQUIREMENTS.—Each State authority responsible for the registration of sex offenders who reside in that State—

''(i) shall ensure, during the course of verification of registration information, that each person who is required to register under this paragraph is notified of the requirements of this paragraph and the potential consequences of a failure to comply with those requirements; and

''(ii) whether the relocation of a sex offender described in this paragraph occurs under courtesy supervision or otherwise, shall—

''(I) notify the authority responsible for sex offender registration and notification in the State of relocation of the pending arrival of the offender in that State of relocation; and

''(II) provide the authority responsible for sex offender registration and notification in the State of relocation with information relating to the sex offender, including—

''(aa) the social security number, physical description, criminal record, terms of supervision, and any alias of the sex offender; and

''(bb) the address, telephone number, and any place of employment of the sex offender in the State of relocation.

''(9) REPORTING REQUIREMENT.—Not later than July 1, 1999, a State shall submit a report to the Attorney General that sets forth existing or proposed laws, including penalty provisions, regarding stalking crimes against individuals 16 years of age or younger.''.

(c) RELEASE OF INFORMATION.—Section 170101(d)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(d)(3)) is amended—

(1) by striking ''the designated'' and all that follows through ''State agency'' and inserting ''the State or any agency authorized by the State'';

(2) by inserting ''to be disclosed only for criminal justice purposes'' after ''private data''; and

(3) by adding at the end the following: ''The sale or exchange of such information for profit or remuneration is prohibited and shall be subject to prosecution under State law.''.

(d) IMMUNITY FOR GOOD FAITH CONDUCT.—Section 170101(e) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)) is amended by striking ''and State officials'' and inserting ''independent contractors acting at the direction of those agencies, and State officials''.

(e) FEDERAL OFFENDERS AND MILITARY PERSONNEL.—Section 170102(g)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(g)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting each clause 2 ems to the right;

(2) by striking ''A person'' and inserting the following:

''(A) IN GENERAL.—A person''; and

(3) by adding at the end the following:

''(B) FEDERAL OFFENDERS.—

''(i) IN GENERAL.—A person who is released from prison, or placed on parole, supervised release, or probation—

''(I) who is convicted under Federal law of—

''(aa) a criminal offense against a victim who is a minor; or

''(bb) a sexually violent offense; or

''(II) who has been determined to be a sexually violent predator,

shall, in addition to complying with the registration requirement in paragraph (2), register in accordance with the law of the State of residence of that person.

''(ii) NOTIFICATION REQUIREMENTS.—The Director of the Bureau of Prisons shall ensure that each person who is required to register under this subparagraph is notified of the requirements of this subparagraph and the potential consequences of a failure to comply with those requirements.

''(C) MILITARY PERSONNEL.—

''(i) IN GENERAL.—

''(I) REGISTRATION UNDER LAWS OF STATE OF RESIDENCE.—A member of the Armed Forces of the United States who has—

''(aa) been convicted of a criminal offense against a victim who is a minor;

''(bb) been convicted of a sexually violent offense; or

''(cc) been determined to be a sexually violent predator,

by a court of the United States, a court of a State, or a court-martial under the Uniform Code of Military Justice, shall register with the entities referred to in subclause (II).

''(II) ENTITIES.—The entities referred to in this subclause are—

''(aa) the FBI; and

''(bb) the State of residence of the member, and if different from the State of residence, the State in which the member is permanently assigned.

''(III) DETERMINATION OF STATE OF RESIDENCE.—For purposes of subclause (II)(bb), the State of residence of a member of the Armed Forces of the United States is—

''(aa) in the case of a member whose permanent duty station is in a State (including such a member who resides on a military installation or is serving aboard a vessel at sea), the State where the member resides whenever the member is present at that permanent duty station; and

''(bb) in the case of a member whose permanent duty station is outside the United States, the State of the member's home of record (as determined under regulations prescribed by the Secretary of the military department concerned).

''(ii) EFFECT OF FAILURE TO COMPLY.—A person who is required to register under this subparagraph and who knowingly fails to comply with this section may be punished—

''(I) under section 170102(i)(1);

''(II) under the Uniform Code of Military Justice; or

''(III) in accordance with the applicable laws of the State with respect to which that person is registered.

''(iii) NOTIFICATION REQUIREMENTS.—The Secretary of Defense shall ensure that each member of the Armed Forces of the United States who is required to register under this paragraph is notified of the requirements of this paragraph and the potential consequences of a failure to comply with those requirements.''.

(f) SENSE OF SENATE.—It is the sense of the Senate that each State should have in effect a law that makes it a crime to stalk an individual under the age of 16 without requiring that such individual be physically harmed before a stalker is restrained or punished.

SEC. 117. (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. 118. The Director of the United States Marshals Service shall provide a magnetometer and not less than one qualified guard at each 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.

SEC. 119. 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. 120. Of the amounts made available under this title under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the subheading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', not more than 90 percent of the amount otherwise to be awarded to an entity under the Local Law Enforcement Block Grant Program shall be made available to that entity, if it is made known to the Federal official having authority to obligate or expend such amounts that the entity employs a public safety officer (as that term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide an employee who is public safety officer and who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are otherwise paid by the entity to a public safety officer at the time of retirement or separation.

SEC. 121. PUBLIC DISCLOSURE OF COURT APPOINTED ATTORNEYS' FEES.—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.''.

SEC. 122. (a) Section 1(d) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(d)) is amended by inserting after ''The term 'agent of a foreign principal' '' the following: ''(1) includes an entity described in section 170(b)(1)(A)(vi) of the Internal Revenue Code of 1986 that receives, directly or indirectly, from a government of a foreign country (or more than one such government) in any 12-month period contributions in a total amount in excess of $10,000, and that conducts public policy research, education, or information dissemination and that is not included in any other subsection of 170(b) (1)(A), and (2)''.

(b) Section 3(d) of such Act (22 U.S.C. 613(d)) is amended by inserting '', other than an entity referred to in section 1(d)(1),'' after ''Any person''.

SEC. 123. The Administrative Office of the United States Courts, in consultation with the Judicial Conference, shall conduct a study of the average costs incurred in defending and presiding over Federal capital cases from the initial appearance of the defendant through the final appeal, and shall submit a written report to the Chairman and Ranking Members of the Senate and House Committees on Appropriations and the Judiciary on or before July 1, 1998, containing recommendations on measures to contain costs in such cases, with constitutional requirements.

SEC. 124. The Attorney General shall review the practices of United States Attorneys' Offices and relevant investigating agencies in investigating and prosecuting Federal capital cases, including before the initial appearance of the defendant through final appeal, and shall submit a written report to the Chairman and Ranking Members of the Senate and House Committees on Appropriations and the Judiciary on or before July 1, 1998, containing recommendations on measures to contain costs in such cases, consistent with constitutional requirements, and outlining a protocol for the effective, fiscally responsible prosecution of Federal capital cases.

SEC. 125. There shall be no restriction on the use of Public Safety and Community Policing Grants, authorized under title I of the 1994 Act, to support innovative programs to improve the safety of elementary and secondary school children and reduce crime on or near elementary or secondary school grounds.

SEC. 126. 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. 127. WAIVER OF CERTAIN VACCINATION REQUIREMENTS. (a) IN GENERAL.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

''(p) The Attorney General should exercise the waiver authority provided for in subsection (g)(2)(B) for any alien orphan applying for an IR3 or IR4 category visa.''.

(b) REPORT.—The Attorney General, in conjunction with the Secretaries of Health and Human Services and State, shall report to Congress within 6 months of the date of enactment of this Act on how to establish an enforcement program to ensure that immigrants who receive waivers from the immunization requirement pursuant to section 212 of the Immigration and Nationality Act comply with the requirement of that section after the immigrants enter the United States, except when such immunizations would not be medically appropriate in the United States or would be contrary to the alien's religious or moral convictions.

SEC. 128. 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. 129. REPORT ON COLLECTING DNA SAMPLES FROM SEX OFFENDERS. (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. 130. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND. (a) Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following—

''(7) for fiscal year 2001, $4,355,000,000; and

''(8) for fiscal year 2002, $4,455,000,000.

(b) Beginning on the date of enactment of this legislation, the discretionary spending limits contained in section 201 of H. Con. Res. 84 (One Hundred Fifth Congress) are reduced as follows—

(1) for fiscal year 2001, $4,355,000,000 in new budget authority and $5,936,000,000 in outlays;

(2) for fiscal year 2002, $4,455,000,000 in new budget authority and $4,485,000,000 in outlays.

SEC. 131. SPECIAL MASTERS FOR CIVIL ACTIONS CONCERNING PRISON CONDITIONS. Section 3626(f) of title 18, United States Code, is amended—

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

''(f) SPECIAL MASTERS FOR CIVIL ACTIONS CONCERNING PRISON CONDITIONS.—''; and

(2) in paragraph (4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) in subparagraph (A), as so designated, by adding at the end the following: ''In no event shall a court require a party to a civil action under this subsection to pay the compensation, expenses, or costs of a special master. Notwithstanding any other provision of law (including section 306 of the Act entitled 'An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997,' contained in section 101(a) of title I of division A of the Act entitled 'An Act making omnibus consolidated appropriations for the fiscal year ending September 30, 1997' (110 Stat. 3009–201)) and except as provided in subparagraph (B), the requirement under the preceding sentence shall apply to the compensation and payment of expenses or costs of a special master for any action that is commenced, before, on, or after the date of enactment of the Prison Litigation Reform Act of 1995.''; and

(C) by adding at the end the following:

''(B) The payment requirements under subparagraph (A) shall not apply to the payment to a special master who was appointed before the date of enactment of the Prison Litigation Reform Act of 1995 (110 Stat. 1321–165 et seq.) of compensation, expenses, or costs relating to activities of the special master under this subsection that were carried out during the period beginning on the date of enactment of the Prison Litigation Reform Act of 1995 and ending on the date of enactment of this subparagraph.''.

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, $22,092,000, 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 number of political appointees on board as of May 1, 1998, shall constitute not more than fifteen percentum of the total full-time equivalent positions at the Office of the United States Trade Representative.

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, $41,000,000 to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $280,736,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 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; $43,126,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further,* That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $250,000,000: *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, $22,028,000: *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, $27,811,000.

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, $47,917,000, 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, $138,056,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $520,726,000, 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), $16,574,000, 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 BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $25,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further,* That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further,* That, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Broadcasting Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $11,000,000, 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 or any successor organization, $656,320,000, to remain available until expended: *Provided,* That $629,320,000 of offsetting collections shall be 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 $27,000,000: *Provided further,* That should legislation establishing an Office of the Under Secretary of Commerce for Intellectual Property Policy be enacted, such funds as are necessary, not to exceed 2 percent of projected annual revenues of the Patent and Trademark Office, shall be made available from the sum appropriated in this paragraph for the staffing, operation, and support of said office once a plan for this office has been submitted to the House and Senate Committees on Appropriations pursuant to section 605 of this Act.

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, $8,800,000.

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 $500,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $111,040,000, 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, $200,000,000, to remain available until expended, of which not to exceed $500,000 may be transferred to the ''Working Capital Fund.''

CONSTRUCTION OF RESEARCH FACILITIES

For renovation of existing facilities of the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $16,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 299 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 alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,999,052,000, to remain available until expended, of which not to exceed $3,800,000 may be made available to the Secretary of Commerce for a study on the effect of intentional encirclement, including chase, on dolphins and dolphin stocks in the eastern tropical Pacific Ocean purse seine fishery: *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 $1,996,052,000: *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. Notwithstanding any other provision of law and pursuant to the fiscal year 1997 Emergency Supplemental Act (Public Law 105–18) section 2004, funding for the following projects is to be made available from prior year carryover funds: $200,000 for the Ship Creek facility in Anchorage, Alaska; $1,000,000 for the construction of a facility on the Gulf Coast in Mississippi; and $300,000 for an open ocean aquaculture project and community outreach programs in Durham, New Hampshire.

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.

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $88,000,000, to remain available until expended.

FLEET MAINTENANCE AND PLANNING

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $15,823,000, to remain available until expended.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $200,000, to be derived from receipts collected pursuant to subsections (b) and (f) of section 10 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $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.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost of guaranteed 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 to guarantee 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, $28,490,000.

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.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this 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 procedure set forth in that section.

SEC. 207. The Secretary 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. 208. There is hereby established the Bureau of the Census Working Capital Fund, which shall be available without fiscal year limitation, for expenses and equipment necessary for the maintenance and operation of such services and projects as the Director of the Census Bureau determines may be performed more advantageously when centralized: *Provided*, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the Bureau: *Provided further*, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Working Capital Fund as of the close of the last completed fiscal year, shall be prepared each

year: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Working Capital Fund may be credited with advances and reimbursements from applicable appropriations of the Bureau and from funds of other agencies or entities for services furnished pursuant to law: *Provided further*, That any inventories, equipment, and other assets pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the Working Capital Fund: *Provided further*, That the Working Capital Fund shall provide for centralized services at rates which will return in full all expenses of operation, including depreciation of fund plant and equipment, amortization of automated data processing software and hardware systems, and an amount necessary to maintain a reasonable operating reserve as determined by the Director.

SEC. 209. None of the funds made available in this Act for fiscal year 1998 may be used by the Department of Commerce to make irreversible plans or preparation for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the appropriationment of Representatives in Congress among the States.

SEC. 210. (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. 211. 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.

SEC. 212. The Office of Management and Budget shall designate the Jonesboro-Paragould, Arkansas Metropolitan Statistical Area in lieu of the Jonesboro, Arkansas Metropolitan Statistical Area. The Jonesboro-Paragould, Arkansas Metropolitan Statistical Area shall include both Craighead County, Arkansas and Greene County, Arkansas, in their entirety.

SEC. 213. In addition to funds provided elsewhere in this Act for the National Telecommunications and Information Administration Information Infrastructure Grants program, $10,490,000 is available until expended: *Provided*, That this amount shall be offset by proportionate reductions in appropriations provided for the Department of Commerce in title II of this Act: *Provided further*, That no reductions shall be made from any appropriations made available in this Act for the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology and the National Telecommunications and Information Administration Public Broadcasting Facilities, Planning and Construction program.

SEC. 214. SENSE OF THE SENATE WITH RESPECT TO SLAMMING. (a) STATEMENT OF PURPOSE.—The purposes of this statement of the sense of the Senate are to—

(1) protect consumers from the fraudulent transfer of their phone service provider;

(2) allow the efficient prosecution of phone service providers who defraud consumers; and

(3) encourage an environment in which consumers can readily select the telephone service provider which best serves them.

(b) FINDINGS.—The Congress finds the following:

(1) As the telecommunications industry has moved toward competition in the long distance market, consumers have increasingly elected to change the company which provides their long-distance phone service. As many as fifty million consumers now change their long distance provider annually.

(2) The fluid nature of the long distance market has also allowed an increasing number of fraudulent transfers to occur. Such transfers have been termed ''slamming'', which constitutes any practice that changes a consumer's long distance carrier without the consumer's knowledge or consent.

(3) Slamming is now the largest single consumer complaint received by the Common Carrier Bureau of the Federal Communications Commission. As many as one million consumers are fraudulently transferred annually to a provider which they have not chosen.

(4) The increased costs which consumers face as a result of these fraudulent switches threaten to rob consumers of the financial benefits created by a competitive marketplace.

(5) The Telecommunications Act of 1996 sought to combat this problem by directing that any revenues generated by a fraudulent transfer be payable to the company which the consumer has expressly chosen, not the fraudulent transferor. Recently the Federal Communications Commision has exercised its proper authority to implement this rule. Eliminating the financial incentive to slam will reduce this problem.

(6) While the Federal Communications Commission has proposed and promulgated regulations on this subject, the Commission has not been able to effectively deter the practice of slamming due to a lack of prosecutorial resources as well as the difficulty of proving that a provider failed to obtain the consent of a consumer prior to acquiring that consumer as a new customer. Commission action to date has not adequately protected consumers.

(7) The majority of consumers who have been fraudulently denied the services of their chosen phone service vendor do not turn to the Federal Communications Commission for assistance. Indeed, section 258 of the Communications Act of 1934 directs that State commissions shall be able to enforce regulations mandating that the consent of a consumer be obtained prior to a switch of service.

(8) It is essential that Congress provide the Federal Communications Commission, law enforcement, consumers, and consumer agencies with the ability to efficiently and effectively prosecute those companies which slam consumers, thus providing a deterrent to all other firms which provide phone services.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Communications Commission should, within 12 months of the date of enactment of this Act, promulgate regulations, consistent with the Communications Act of 1934 which provide law enforcement officials dispositive evidence for use in the prosecution of fraudulent transfers of presubscribed customers of long distance and local service; and

(2) the Senate should examine the issue of slamming and take appropriate legislative action in the One Hundred Fifth Congress to better protect consumers from unscrupulous practices including, but not limited to, mandating the recording and maintenance of evidence concerning the consent of the consumer to switch phone vendors, including a requirement for third-party verification, establishing higher civil fines for violations, approving the Federal Communications Commission's exercise of its authority to provide by rule for slammed consumers to be exempt from any payment requirement, and establishing a civil right of action against fraudulent providers, as well as criminal sanctions for repeated and willful instances of slamming.

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; $28,903,000.

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), $6,170,000, of which $3,620,000 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, $15,796,000.

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, $11,478,000.

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 retire 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, $2,789,777,000 (including the purchase of firearms and ammunition); of which not to exceed $16,530,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,450,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

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); $308,000,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): *Provided*, That the annual incremental cost of each capital representation shall not exceed $63,000: *Provided further*, That if the annual incremental cost of any capital representation exceeds $63,000, the costs in excess of $63,000 shall be paid equally out of funds appropriated or otherwise made available to the administrative units supporting the prosecutor and presiding judge.

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)); $68,252,000, 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); $167,883,000, of which not to exceed $26,962,000 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, $53,843,000, 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, $9,480,000, 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) SHORT TITLE.—This section may be cited as the ''Ninth Circuit Court of Appeals Reorganization Act of 1997''.

(b) NUMBER AND COMPOSITION OF CIRCUITS.—Section 41 of title 28, United States Code, is amended—

(1) in the matter before the table, by striking ''thirteen'' and inserting ''fourteen'';

(2) in the table, by striking the item relating to the ninth circuit and inserting the following new item:

''Ninth	California, Nevada.'';

and

(3) between the last 2 items of the table, by inserting the following new item:

''Twelfth	Alaska, Arizona, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, Washington.''.

(c) NUMBER OF CIRCUIT JUDGES.—The table in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following new item:

''Ninth ..... 15'';

(2) by inserting between the last 2 items at the end thereof the following new item:

''Twelfth ..... 13''.

(d) PLACES OF CIRCUIT COURT.—The table in section 48 of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following new item:

''Ninth	San Francisco, Los Angeles.'';

and

(2) by inserting between the last 2 items at the end thereof the following new item:

''Twelfth	Portland, Seattle, Phoenix.''.

(e) ASSIGNMENT OF CIRCUIT JUDGES AND CLERKS OF THE COURT.—Each circuit judge in regular active service of the former ninth circuit whose official station on the day before the effective date of this section—

(1) is in California or Nevada is assigned as a circuit judge on the new ninth circuit;

(2) is in Alaska, Arizona, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon or Washington is assigned as a circuit judge on the twelfth circuit; and

(3) two co-equal clerks of the court for the twelfth circuit shall be located in two co-equal circuit seats which shall be located in Phoenix, Arizona, and Seattle, Washington, respectively.

(f) ELECTION OF ASSIGNMENT BY SENIOR JUDGES.—Each judge who is a senior judge of the former ninth circuit on the day before the effective date of this section may elect to be assigned to the new ninth circuit or to the twelfth circuit and shall notify the Director of the Administrative Office of the United States Courts of such election.

(g) SENIORITY OF JUDGES.—The seniority of each judge—

(1) who is assigned under subsection (e); or

(2) who elects to be assigned under subsection (f); shall run from the date of commission of such judge as a judge of the former ninth circuit.

(h) APPLICATION TO CASES.—The provisions of the following paragraphs of this subsection apply to any case in which, on the day before the effective date of this section, an appeal or other proceeding has been filed with the former ninth circuit:

(1) If the matter has been submitted for decision, further proceedings in respect of the matter shall be had in the same manner and with the same effect as if this section had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified,

shall, by appropriate orders, be transferred to the court to which it would have gone had this section been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) A petition for rehearing or a petition for rehearing en banc in a matter decided before the effective date of this section, or submitted before the effective date of this section and decided on or after the effective date as provided in paragraph (1) of this subsection, shall be treated in the same manner and with the same effect as though this section had not been enacted. If a petition for rehearing en banc is granted, the matter shall be reheard by a court comprised as though this section had not been enacted.

(i) DEFINITIONS.—For the purposes of this section, the term—

(1) ''former ninth circuit'' means the ninth judicial circuit of the United States as in existence on the day before the effective date of this section;

(2) ''new ninth circuit'' means the ninth judicial circuit of the United States established by the amendment made by subsection (b)(2);

(3) ''twelfth circuit'' means the twelfth judicial circuit of the United States established by the amendment made by subsection (b)(3).

(j) ADMINISTRATION.—The court of appeals for the ninth circuit as constituted on the day before the effective date of this section may take such administrative action as may be required to carry out this section. Such court shall cease to exist for administrative purposes on July 1, 1999.

(k) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on October 1, 1997.

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.

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.''.

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; $1,727,868,000: *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 of the amount made available under this heading, not to exceed $125,000 shall be available only for the Maui Pacific Center: *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 year 1998 and each fiscal year thereafter under the authority of section 140(a)(1) of that Act: *Provided further*, That all fees collected under the preceding proviso shall be deposited as an offsetting collection to appropriations made under this heading to recover the costs of providing consular services 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); and 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.

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, $105,000,000, 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), $4,100,000.

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), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $420,281,000, 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 (93 Stat. 14), $14,490,000.

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, $957,009,000, of which not to exceed $54,000,000 shall remain available until expended for payment of arreages owed the United Nations: *Provided*, 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 none of the funds appropriated or otherwise made available by this Act for ''Contributions to International Organizations'', including payment of arrearages owed to the United Nations, may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of the Foreign Affairs Reform and Restructuring Act of 1997: *Provided further*, That notwithstanding section 402 of this Act, not to

exceed $10,000,000 may be transferred from the funds made available under this heading to the ''International Conferences and Contingencies'' account for assessed contributions to new or provisional international organizations or for travel expenses of official delegates to international conferences: *Provided further*, 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.

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 $200,320,000, 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 ''Contributions for International Peacekeeping Activities'', including payment of arrearages, may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of the Foreign Affairs Reform and Restructuring Act of 1997.

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 $10,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $18,200,000.

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; $5,010,000, of which not to exceed $9,900 shall be available for representation expenses incurred by the International Joint Commission: *Provided*, That of the amount made available under this heading, not to exceed $40,000 shall be available only for the Bering Straits Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, $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, $5,000,000, 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, $32,613,000 of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

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 student advising and counseling: *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), $10,000,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $200,000,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): *Provided*, That not to exceed $500,000, 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. 1475a).

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; $339,655,000, of which not to exceed $10,000,000 shall be available only on a dollar-for-dollar basis when matched with the proceeds of sales of advertising air time, of which 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, not to exceed $250,000 from fees as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e), to remain available until expended for carrying out authorized purposes; and in addition, notwithstanding any other provision of law, not to exceed $1,000,000 in monies received (including receipts from advertising, if any) by or for the use of the United States Information Agency from or in connection with broadcasting resources owned by or on behalf of the Agency, to be available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $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), $32,710,000, 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, $22,000,000: *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, $3,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

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

SEC. 404. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this 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. 405. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 1998 or any fiscal year thereafter may be obligated or expended to pay for any cost incurred in—

(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 as of 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 in excess of the total number of personnel assigned to the posts as of July 11, 1995, unless the President certifies within 60 days of the beginning of each fiscal year the following:

(A) Based upon a formal assessment of all information available to the United States Government, the Government of the Socialist Republic of Vietnam is fully cooperating 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. 406. (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.

SEC. 407. 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. The language on page 119, line 15 to wit, ''$105,000,000'' is deemed to be ''$75,000,000''. This shall become effective one day after enactment of this Act.

SEC. 408. SENSE OF THE SENATE REGARDING THE EXEMPLARY SERVICE OF JOHN H.R. BERG TO THE UNITED STATES. (a) FINDINGS.—

(1) John H.R. Berg began his service to the United States Government working for the United States Army at the age of fifteen after fleeing Nazi persecution in Germany where his father died in the Auschwitz concentration camp; and

(2) John H.R. Berg's dedication to the United States Government was further exhibited by his desire to become a United States citizen, a goal that was achieved in 1981, 35 years after he began his commendable service to the United States; and

(3) Since 1949, John H.R. Berg has been employed by the United States Embassy in Paris where he is currently the Chief of the Visitor's and Travel Unit. And, this year has supported over 10,700 official visitors, 500 conferences, and over 15,000 official and unofficial reservations; and

(4) John H.R. Berg's reputation for ''accomplishing the impossible'' through his dedication, efficiency and knowledge has become legend in the Foreign Service; and

(5) John H.R. Berg has just completed 50 years of outstanding service to the United States Government with the United States Department of State.

(b) SENSE OF SENATE.—Therefore it is the sense of the Senate that John H.R. Berg deserves the highest praise from the Congress for his steadfast devotion, caring leadership, and lifetime of service to the United States Government.

SEC. 409. Not to exceed $2,000,000 may be made available for the 1999 Women's World Cup Organizing Committee cultural exchange and exchange related activities associated with the 1999 Women's World Cup.

SEC. 410. Notwithstanding any other provision in this Act the amount for the Department of State ''CAPITAL INVESTMENT FUND'' shall be $105,000,000.

This title may be cited as the ''Department of State and Related Agencies Appropriations Act, 1998''.

TITLE V—RELATED AGENCIES

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, $135,000,000, 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, $35,000,000, to remain available until expended: *Provided,* That these funds will be available only upon enactment of an authorization for this program.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $69,000,000: *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, $29,000,000, 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 $4,000,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

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

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

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

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

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,740,000: *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; 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 sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $185,949,000, of which not to exceed $300,000 shall remain available until September 30, 1998, 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 $23,426,000: *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 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $14,300,000: *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; $108,000,000: *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 1997, so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than $28,000,000, to remain available until expended: that not more than $10,000,000 shall be available from prior year unobligated fee collections: *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): *Provided further,* That, for a period of one year, none of the funds made available to the Federal Trade Commission shall be spent on an administrative proceeding concerning the merger of two hospitals where the Commission has already sought injunctive relief under 15 U.S.C. 53(b), and prior to July 9, 1997, a Court of Appeals has affirmed the denial of the injunctive relief requested by the Commission unless further review overturns the decision by the court of appeals.

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, $300,000,000, of which $273,070,000 is for basic field programs and required independent audits; $2,019,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $7,911,000 is for management and administration; and $17,000,000, to remain available until expended, is for pro se legal education demonstration projects.

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

(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 Legal Services Corporation regulations, the Legal Services Corporation finds, after notice and an opportunity for a hearing to the recipient, 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 Legal Services Corporation, the Legal Services 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 grant or contract of the recipient.

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 199*8* 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 Legal Services Corporation. Any such action to debar a recipient shall be instituted after the Legal Services Corporation provides notice and an opportunity for a hearing to the recipient. The decision regarding the debarment shall not be subject to Section 1011 of the Legal Services Corporation Act (42 U.S.C. 2996j).

(b) The Legal Services Corporation shall promulgate regulations to implement this section.

(c) 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 the 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 the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, section 502(a)(2) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, or section 502(a)(2) of this title;

(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 Legal Services Corporation, or any agency or employee of a federal, state, or local government, as a defendant.

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, $1,240,000.

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: *Provided,* That funds made available for this purpose shall be taken from funds made available on page 23, line 16.

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, $285,412,000, 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 section 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 collections are deposited to this appropriation so as to result in a final total fiscal year 1998 appropriation from the General Fund estimated at no more than $35,889,000.

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, $246,100,000, of which $16,500,000 shall be available to fund technical assistance grants in fiscal year 1998 as authorized by section 7(m) of the Small Business Act, as amended: *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 1997 or fiscal year 1998 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), $10,600,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, $181,232,000, as authorized by 15 U.S.C. 631 note: *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.

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 administrative expenses to carry out the direct loan program, as authorized by section 7(b) of the Small Business Act, as amended, $173,200,000, 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 may be transferred to and merged with appropriations for Salaries and Expenses and 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

SEC. 505. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $13,550,000, 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 1997, 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 1997, 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 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. 610. 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. 611. 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. 612. 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. 613. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI. (a) GROUNDS FOR EXCLUSION.—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 a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996;

(4) 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;

(5) 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

(6) 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 of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 614. SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT MANIPULATE UNIVERSAL SERVICE SUPPORT PAYMENTS TO BALANCE THE FEDERAL BUDGET. (a) FINDINGS.—The Congress finds that—

(1) it reaffirmed the importance of universal service support for telecommunications services by passing the Telecommunications Act of 1996;

(2) the Telecommunications Act of 1996 required the Federal Communications Commission to preserve and advance universal service based on the following principles:

(A) Quality services should be available at just, reasonable, and affordable rates.

(B) Access to advanced telecommunications and information services should be provided in all regions of the Nation.

(C) Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services.

(D) All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service.

(E) There should be specific, predictable, and sufficient Federal and State mechanisms to preserve and advance universal service.

(F) Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services.

(3) Federal and State universal contributions are administered by an independent, non-Federal entity and are not deposited into the Federal Treasury and therefore not available for Federal appropriations.

(4) The Conference Committee on the Balanced Budget Reconciliation Act of 1997, is considering proposals that would withhold Federal universal service funds in the year 2002.

(5) The withholding of billions of dollars of universal service support payments may result in temporary rate increases in rural and high cost areas and may delay qualifying schools, libraries, and rural health facilities discounts directed under the Telecommunications Act of 1996.

(b) SENSE OF THE SENATE.—Therefore, it is the sense of the Senate that the Balanced Budget Reconciliation Act of 1997 should not manipulate, modify, or impair universal service support as a means to achieve a balanced Federal budget or to achieve Federal budget savings.

SEC. 615. For fiscal year 1998 and subsequent fiscal years, 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.

SEC. 616. The Legal Services Corporation shall—

(1) conduct a study to determine the estimated number of individuals who were unable to obtain assistance from its grantees as a result of the enactment of section 504(a)(16) of the Departments of Commerce, Justice,

and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–55), during the six month period commencing with the enactment of this Act; and

(2) not later than 30 days thereafter, submit to Congress a report describing the results of the study conducted under paragraph (1).

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading on September 30, 1997, $30,310,000 are rescinded.

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998''.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, at this point, I certainly want to thank Senators for their cooperation on the passage of the Commerce, State, Justice bill. I, obviously, especially thank the Senator from South Carolina without whose expertise and input we could not have moved this bill in such an aggressive and bipartisan manner. He has a huge institutional knowledge, which he used in a most constructive and effective way in allowing us to pull together a bill that can work and that has passed with an exceptionally strong vote. I thank him for all his assistance.

Mr. HOLLINGS. Mr. President, as we say at home, let the record speak. I have been with this bill 26 years and, as the distinguished Senator from New Hampshire said, it was the first time we ever passed the bill unanimously. I thank the Senator for his cooperation and wonderful help on both sides.

Mr. GREGG. It could not have been done without the Senator's efforts and especially the assistance of the staff, which worked overtime on both sides of the aisle.

I especially want to thank Scott Gudes, who is the minority staff leader, and his assistants, Emily East and Karen Swanson Wolf, for their exceptional work on our side of the aisle. We had a wonderful team that worked literally hundreds of hours and did an exceptional job: Jim Morhard, who is the clerk, Kevin Linskey, Paddy Link, Carl Truscott, Dana Quam, and Vasiliki Alexopoulos. I can't say enough about the extraordinary effort that these people put in, and it certainly reflects in their expertise.

I would have to say that actually I am not sure we had a majority that passed this bill at one point earlier this year. So, the fact that it was passed in this way reflects the fact that a lot of extraordinary work went into it.

Again, I thank everyone for their participation.

Mr. HOLLINGS. Mr. President, I want to thank again the distinguished chairman, Senator GREGG, from New Hampshire. He has worked these issues very hard and studied these programs with great deliberation. He has done a really, really superb job on this State, Justice, and Commerce bill. He has put this bill together in a bipartisan fashion, considering Members' interests from both sides of the aisle.

You know that is the way appropriations bills have worked in the past. Mr. President, that is the way they are supposed to work. It has enabled us to pass this bill through committee with overwhelming support. It has enabled us to quickly complete action in just a little more than 1 day. And, I believe that this spirit of bipartisanship will be reflected shortly in the vote on final passage.

Of course, I would also like to recognize the support and guidance from our new Committee Chairman TED STEVENS and his right hand man, our committee staff director Steve Cortese. They are getting the trains to run on time. In fact, we are way ahead of the House, which hasn't even taken up the State, Justice, and Commerce bill. Steve Cortese has taken on the job of running our full Appropriations Committee as well as continuing to serve as staff director of the Defense Subcommittee. That is incredible. And, we, of course, very much appreciate the support of our leader, Senator BYRD and his staff director, Jim English. Senator BYRD and Jim English know these 13 appropriations bills thoroughly. They work tirelessly and continue to watch out for our committee and for our Senate as an institution.

Mr. President, I would like to take a minute to recognize the subcommittee staff. On the majority side they are led by Jim Morhard. Jim is level headed and experienced. He knows appropriations and how to put together legislation and build consensus. I can tell you that Chairman STEVENS and Senator GREGG know they can rely on Jim's counsel. His staff includes Paddy Link, Kevin Linskey, Dana Quam, Vasiliki Alexopoulos, and Carl Truscott, who is on detail from the U.S. Secret Service. These individuals have been working night and day putting together this bill. They are all new this year to the subcommittee. Jim Morhard moved over from military construction appropriations; Paddy Link joined us from the Commerce, Science, and Transportation Committee; and Kevin Linskey worked for the distinguished former leader, Senator Dole. They each bring unique backgrounds and perspectives to their positions. And, they have each had to learn about the agencies and programs in this very diverse and important State, Justice, and Commerce appropriations bill. They have had to be quick studies. They have done a truly outstanding job, and they have done a real service for the committee and the Senate.

I especially want to recognize Paddy Link for her dedication. I have known Paddy for years. She was, of course, Larry Pressler's chief of staff on the Commerce, Science, and Transportation Committee. She has experience over in the House Science Committee and during the Reagan and Bush administrations Paddy was at Commerce and served as director of legislative affairs at NOAA. During the same week that this bill went before the subcommittee, Paddy's father suffered a severe stroke and tragically passed away. Paddy continued to lend a hand even under such trying circumstances. I think she knows that all the Members' hearts go out to her and her family in their loss. She went far beyond the call of duty to help out in the production of this bill. It is a tribute to her sense of public service and professionalism.

Finally, I want to recognize the staff on our side. Scott Gudes, our subcommittee staff director, has been with me now for almost 7 years after 4½ years on Defense appropriations. He has been with me so long that I've got him automatically thinking of USC as meaning the University of South Carolina instead of another institution in his native southern California. Karen Swanson Wolf, who is on detail to us from the National Oceanic and Atmospheric Administration, has been doing a great job for the subcommittee. She has been dealing with justice and judiciary issues, and has been working on patent and trademark issues. And, finally, Emelie East who helps out this subcommittee as well as the Defense, Military Construction and Foreign Operations Subcommittees. Senator BYRD has picked a winner there. Every subcommittee, even the majority staff, keep putting in requests for Emelie to help out in markup, on the floor, and in conference. She is our utility player on the Appropriations Committee going from one bill to another. And, with this bill she will be seeing her fourth get through the Senate and be sent to the House of Representatives. Ms. East is as professional as they get and we all appreciate the outstanding work she does day in and day out.

So Mr. President, I just wanted to recognize these fine public servants. We don't do that enough around here. I, for one, appreciate their hard work.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HUTCHISON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. 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.

APPOINTMENT OF CONFEREES—H.R. 2266

The PRESIDING OFFICER. Under the previous order, the Chair appoints conferees on H.R. 2266.

The Presiding Officer appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER,

Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, and Mr. DORGAN conferees on the part of the Senate.

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

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998.

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1022

Mr. SHELBY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 1022 to S. 1048, the Transportation appropriations bill.

Mr. SHELBY. Mr. President, I know of no further discussion on amendment No. 1022.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1022) was agreed to.

AMENDMENTS NOS. 1035 THROUGH 1044, EN BLOC

Mr. SHELBY. Mr. President, I send a managers' package of amendments to the desk and ask that they be considered, agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes amendments numbered 1035 through 1044, en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1035 through 1044) were agreed to, as follows:

AMENDMENT NO. 1035

(Purpose: To extend the expiration date of a general provision from the fiscal year 1997 transportation appropriations act)

On page 52, at line 1, insert the following:

SEC. 339. Subsection (d)(4) of 49 U.S.C. 31112 is amended by striking ''September 30, 1997'' and inserting ''February 28, 1998''.

AMENDMENT NO. 1036

(Purpose: To make technical corrections to sec. 332 of the bill and to make minor funding changes to the bill)

On page 12, line 19, strike ''$286,000,000'' and insert: ''$190,000,000''.

On page 23, line 10, strike ''$90,000,000'' and insert: ''$190,000,000''.

On page 24, line 8, strike ''$2,310,000'' and insert: ''$2,210,000''.

On page 24, line 10, strike ''$2,310,000'' and insert: ''$2,210,000''.

On page 24, line 19, strike ''$2,000,000,000'' and insert: ''$2,008,000,000''.

On page 25, line 5, strike ''$780,000,000'' and insert: ''$788,000,000''.

On page 46, line 16, strike the word ''persons'' and insert: ''passengers''.

On page 46, line 18, strike ''363,000'' and insert: ''300,000''.

On page 26, before line 20, insert the following: ''$4,645,000 for the Little Rock, Arkansas Junction Bridge project;''.

AMENDMENT NO. 1037

(Purpose: To recognize transit bus projects)

At the appropriate place in title III, insert the following:

SEC. 340. Of funds made available under this Act for discretionary grants for replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, up to $20,000,000 may be provided to the State of Michigan and $12,000,000 to the State of Illinois.

AMENDMENT NO. 1038

(Purpose: To provide for a study of the metropolitan planning process in Denver)

On page 24, line 3, strike the period at the end of the line and insert the following: '': *Provided*, That within the funds made available under this head, $500,000 may be made available to the Colorado Department of Transportation to study the metropolitan planning process and organization in the Denver metropolitan area. The study shall be based on a scope of work agreed to by Douglas County (on behalf of selected Denver regional county governments and municipal governments), the Denver Regional Council of Governments, and the Colorado Department of Transportation. Within 24 months of enactment of this Act, the recommendations of this study will be transmitted to the Senate and House Committees on Appropriations.''

AMENDMENT NO. 1039

(Purpose: To make a technical correction relating to the Right-or-Way Revolving Fund)

On page 15, line 4, after the word ''loans'' insert: ''to be repaid with other than Federal funds''.

AMENDMENT NO. 1040

(Purpose: To clarify Sec. 335 of the bill)

On page 50, line 11, insert the following:

(D) Nothing in this Act shall be construed to affect any existing statutes of the several States that define the obligations of such States to native Hawaiians, native Americans, or Alaskan natives in connection with ceded lands, except to make clear that airport revenues may not be used to satisfy any such obligations.

AMENDMENT NO. 1041

(Purpose: To facilitate the application of the pilot record-sharing provisions of title 49, United States Code, added by the Federal Aviation Reauthorization Act of 1996, to air carriers operating non-scheduled operations under part 135 of the FAA regulations)

At the appropriate place in title III, insert the following:

SEC. 3 . PILOT RECORD SHARING.

The Administrator of the Federal Aviation Administration shall—

(1) work with air carriers conducting non-scheduled operations under part 135 of the Federal Aviation Administration's regulations (14 C.F.R. 135.1 et seq.) to implement the requirements of section 44936(f) of title 49, United States Code, effectively and expeditiously; and

(2) implement those requirements with respect to such air carriers not later than February 1, 1998, or sooner if, in working with such air carriers, the Administrator determines that the provisions of that section can be effectively implemented for such air carriers.

AMENDMENT NO. 1042

(Purpose: To require the Secretary of Transportation to exercise the exemption authority under section 41714 of title 49, United States Code, with respect to certain air service between slot-controlled airports subject to that authority and nonhub points, within 120 days after receiving a request for such an exemption)

At the appropriate place in title III, insert the following:

SEC. 3 . EXEMPTION AUTHORITY FOR AIR SERVICE TO SLOT-CONTROLLED AIRPORTS.

Section 41714 of title 49, United States Code, is amended by adding at the end thereof the following:

''(i) EXPEDITIOUS CONSIDERATION OF CERTAIN EXEMPTION REQUESTS.—Within 120 days after receiving an application for an exemption under subsection (a)(2) to improve air service between a nonhub airport (as defined in section 41731(a)(4)) and a high density airport subject to the exemption authority under subsection (a), the Secretary shall grant or deny the exemption. The Secretary shall notify the United States Senate Committee on Commerce, Science, and Transportation and the United States House of Representatives Committee on Transportation and Infrastructure of the grant or denial within 14 calendar days after the determination and state the reasons for the determination.''.

AMENDMENT NO. 1043

(Purpose: To express the sense of the Senate concerning the imminent expiration of highway and mass transit spending authorizations and the function of this bill)

On page 51, after line 25, add the following:

SEC. . SENSE OF THE SENATE CONCERNING REAUTHORIZATION OF HIGHWAY AND MASS TRANSIT PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) on October 1, 1997, authorization for most of the programs authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240), including mass transit programs, will expire;

(2) States, local governments, and the national economy depend on Federal investment in the transportation infrastructure of the United States;

(3) it is the duty of Congress to reauthorize the programs to ensure that the investment continues to flow and that there is no interruption of critical transportation services or construction; and

(4) the public and Congress should have a substantial opportunity to review, comment on, and comprehensively debate committee-reported proposals to reauthorize the programs well in advance of their expiration to ensure that the programs adequately reflect the needs of the United States and the contributions of the States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this Act should not be considered to be a substitute for a comprehensive measure reauthorizing highway and mass transit spending programs and should not be interpreted to authorize or otherwise direct the distribution of funds to the States under expiring formulas under title 23 or 49, United States Code, in fiscal year 1998.

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of this important sense of the Senate. It should help to dispel any concerns that Members may have had regarding the Transportation appropriations bill and its potential effect on the ongoing reauthorization process for highway and transit funding. This measure puts the Senate's intention on record that none of the funds in S. 1048 are to be distributed according to the old, unfair formulas.

Mr. President, the State of Michigan has long been contributing more into the highway trust fund than it receives in Federal money for highways or mass transit, due to the old discriminatory formulas. The changes to previous law included the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA] slightly improved Michigan's return. Unfortunately, it largely continued the decades-old unfair pattern of sending significantly more to small States than they contributed without any valid justification. My State's problem has been further compounded by limitations on obligations through the appropriations process that reduce our total dollar return. As a result, our average ratio of contributions to obligations for highway funding under ISTEA has been approximately 80.5 percent, while mass transit has been even worse with an average ratio of 42.3 percent.

I am pleased that the committee's bill provides nearly a $3 billion higher obligation limitation on highway spending. Unfortunately, a chart has been included in the RECORD at the beginning of debate on this bill which implies that those funds will be distributed according to the old, expiring ISTEA formulas. That is incorrect and the subcommittee chairman has stressed that the chart was for illustrative purposes only and not intended to direct these funds. I encourage Members to ignore that distribution. Michigan would, because of the increased obligation limitation, receive at least an additional approximately $100 million in fiscal year 1998, if ISTEA's average formula distribution was still in effect, over last year. It would be difficult for any State not to get an increase when the obligation limitation is raised, as it has been in the bill before us.

However, I encourage my colleagues not to focus on the formulas of the past. There are at least five major reauthorization proposals to be considered for fiscal year 1998 and beyond. Of those five, Michigan would do best under the Transportation Empowerment Act [TEA–2] and could have approximately $175 million more in obligation authority available in fiscal year 1998 assuming this bill's obligation limitation than in fiscal year 1997. Next best would be the STEP–21 proposal providing about $141 million more in fiscal year 1998. ISTEA does not work for Michigan and many other States, and Members should analyze these other proposals to determine whether they provide more fairness.

Mr. President, this sense of the Senate makes it very clear that S. 1048 does not reauthorize highway or mass transit spending programs. The Senate is still waiting for the Environment and Public Works, and the Banking Committees, to produce fair bills that will allow the continued flow of infrastructure investment dollars to the States from the funds provided in S. 1048. These bills need to be provided to the full Senate well in advance of the October 1, 1997, authorization expiration of these programs. No Member of the Senate or the public should be precluded from the opportunity to fully and carefully review the proposals reported by the committees.

Recently, I received a letter from the president of the American Association of State Highway and Transportation Officials [AASHTO], who is very concerned that Congress' ''delay [in moving a reauthorization bill] will negatively impact our Nation's transportation system and our economy.'' He is right to be concerned. There is no committee-reported proposal for the Senate to consider and we are about to recess until September. Unless, by some miracle, a fair and equitable bill is reported the first day we return, Congress is very unlikely to meet the October 1 deadline. No Senator should be placed in the position of supporting an unfair bill to meet that deadline because the Committees have failed to act punctually.

Mr. President, I urge my colleagues to support the resolution.

AMENDMENT NO. 1044

(Purpose: To provide for the development and operation of the Nationwide Differential Global Positioning System)

On page 4, line 11, strike the numeral and insert ''$2,435,400,000''.

At the appropriate place in title III, insert the following:

SEC. 3 . (a) As soon as practicable after the date of enactment of this Act, the Secretary of Transportation, acting for the Department of Transportation, may take receipt of such equipment and sites of the Ground Wave Emergency Network (referred to in this section as ''GWEN'') as the Secretary of Transportation determines to be necessary for the establishment of a nationwide system to be known as the ''Nationwide Differential Global Positioning System'' (referred to in this section as ''NDGPS'').

(b) As soon as practicable after the date of enactment of this Act, the Secretary of Transportation may establish the NDGPS. In establishing the NDGPS, the Secretary of Transportation may—

(1) if feasible, reuse GWEN equipment and sites transferred to the Department of Transportation under subsection (a);

(2) to the maximum extent practicable, use contractor services to install the NDGPS;

(3) modify the positioning system operated by the Coast Guard at the time of the establishment of the NDGPS to integrate the reference stations made available pursuant to subsection (a);

(4) in cooperation with the Secretary of Commerce, ensure that the reference stations referred to in paragraph (3) are compatible with, and integrated into, the Continuously Operating Reference Station (commonly referred to as ''CORS'') system of the National Geodetic Survey of the Department of Commerce; and

(5) in cooperation with the Secretary of Commerce, investigate the use of the NDGPS reference stations for the Global Positioning System Integrated Precipitable Water Vapor System of the National Oceanic and Atmospheric Administration.

(c) The Secretary of Transportation may—

(1) manage and operate the NDGPS;

(2) ensure that the service of the NDGPS is provided without the assessment of any user fee; and

(3) in cooperation with the Secretary of Defense, ensure that the use of the NDGPS is denied to any enemy of the United States.

(d) In any case in which the Secretary of Transportation determines that contracting for the maintenance of 1 or more NDGPS reference stations is cost-effective, the Secretary of Transportation may enter into a contract to provide for that maintenance.

(e) The Secretary of Transportation may—

(1) in cooperation with appropriate representatives of private industries and universities and officials of State governments—

(A) investigate improvements (including potential improvements) to the NDGPS;

(B) develop standards for the NDGPS; and

(C) sponsor the development of new applications for the NDGPS; and

(2) provide for the continual upgrading of the NDGPS to improve performance and address the needs of—

(A) the Federal Government;

(B) State and local governments; and

(C) the general public.

Mr. DEWINE. Mr. President, I would like to take a moment to commend the chairman of the Appropriate Subcommittee on Transportation, Senator SHELBY, for the work he has done on this bill. It is not easy to balance the competing interests in any appropriations bill, but I think it is even more difficult on transportation appropriations. I would also like to call attention to one area of the Senate's bill which is very different than the House version.

The Federal Automated Surface Observing System [ASOS] program, which began in the late 1980's, is sponsored by the Federal Aviation Administration [FAA], the National Weather Service [NWS], and the Department of Defense [DOD] and currently includes approximately 860 ASOS units. For its part, the FAA has completed procurement of its 539 baseline ASOS network. Of these units, 476 were installed, yet only 129 systems had been commissioned as of December 21, 1996.

Specifically, the Senate bill would provide $24.85 million for the Automated Surface Observing System [ASOS]. This amount is $10 million more than the Federal Aviation Administration [FAA] requested. According to the committee report, $14.85 million is to be used to commission systems that have already been purchased.

The $14.85 million requested by the administration would pay for getting these systems on-line, providing essential weather services to airports that now have them. The House language on this system is similar. I think it makes sense to do this. After all, the Federal Government purchase these units. They might as well be used.

Where the House and Senate language differ is in the use of the funds that the administration did not request. The House bill would provide

$7.5 million for procurement of additional weather observing systems and direct the FAA to compare costs and capabilities of similar systems and to purchase new systems only after full and open competition between all qualified vendors.

In contrast, the Senate report provides FAA with an additional $10 million to purchase 50 new ASOS units. If the past is an accurate indicator, these units will sit idle until FAA finds the funds to get them running. In essence, what we are doing is purchasing technology with great potential but fraught with high maintenance costs and unusable for a number of years for every airport that needs a weather observation system, when many airports can use off-the-shelf technology that can be used immediately.

In 1995, the General Accounting Office [GAO] released a report on ASOS. I would like to highlight some of their findings. First, GAO found that six of the eight sensors in the ASOS system do not meet key performance specifications. Second, ASOS shortfalls are caused by contractor failure to deliver products that meet specifications and Government failure to furnish sufficient equipment. Third, the NWS does not have adequate personnel or integrated information systems for it to isolate and correct ASOS failures at FAA sites. Fourth, ASOS does not satisfy the weather observational needs of many users. And, finally ASOS users state that incorrect ASOS observations could risk aviation efficiently and safety. I don't believe that Congress should force the FAA to purchase more ASOS units until the problems with the ones they already have can be worked out.

For this reason, I believe the House language on weather observation systems is a better option for airports. I hope my friend from Alabama will examine carefully the House approach on this issue and I urge him to opt for the House's approach to maximize airport safety.

Mr. SHELBY. I thank the Senator from Ohio for his statement. I have listened with interest to his remarks and recognize his concerns. The Senator from Ohio has raised very compelling arguments and I will carefully consider his request during the conference committee deliberations.

CHILD SIZE CRASH TEST DUMMIES

Mr. SPECTER. Mr. President, I wish to address the distinguished chairman of the subcommittee regarding the issue of funding for an innovative research project aimed at developing a child size crash test dummy which will be undertaken by a collaborative private sector group that includes several Pennsylvania universities.

The project will develop a new crash test dummy particularly suited for research on automobile occupant safety because it will generate data on children's unique biological features and the behavior of children under crash conditions.

I am advised that the House has provided $100,000 for this purpose within the budget for the National Highway Traffic Safety Administration. Would the distinguished chairman be willing to work with me and our House counterparts to explore funding for this important safety initiative?

Mr. SHELBY. Mr. President, the Senator from Pennsylvania correctly notes that this will be an issue we address in conference with the House and I would be glad to work with him on exploring funding possibilities for an initiative which could protect our children from injuries sustained in automobile accidents.

Mr. DURBIN. Mr. President, I rise today in order to engage the chairman of the Transportation Appropriations Subcommittee, Senator SHELBY, in a brief colloquy regarding the Northeast Illinois Regional Commuter Railroad Corporation—Metra. I commend both Senators SHELBY and LAUTENBERG for their tireless efforts on behalf of our Nation's transportation systems. And I congratulate them on bringing this bill to the floor.

Mr. President, as Senator SHELBY knows, Metra is the second largest commuter rail system in the country, carrying over 270,000 riders a day. Metra's 12 rail lines serve more than 100 towns and municipalities with 238 stations and a stop at O'Hare International Airport. It maintains a 97 percent on time performance while operating over 500 route miles. In short, Metra is an effective, first-class transit system that fills an enormous commuter need in the Northern Illinois/Chicago region.

Metra anticipates that by the year 2020, the population of its service territory will grow by 25 percent and employment in that area will increase 37 percent. In order to prepare for this growth and meet additional needs, Metra plans to expand and upgrade service on three lines. Specifically, Metra plans to upgrade and expand North Central Service and the Metra Milwaukee West Line; upgrade and extend the South West Service to Manhattan, Illinois; and upgrade and extend the Union Pacific line to LaFox and Elburn, IL. The total cost of this project is $301 million over 6 years.

The House included $5 million in the fiscal year 1998 Transportation appropriations bill for engineering and design on tracks, signals, bridges, and earthwork associated with this project.

Mr. President, I would like to ask Senator SHELBY if he considers Metra to be a priority new start transit project and if he and Senator LAUTENBERG would be willing to work to include the House language in conference.

Mr. SHELBY. I thank the Senator from Illinois. As Senator DURBIN knows, the committee has worked with him over the years to fund various Metra expansion projects, most recently a new service line—the North Central Service. I appreciate his leadership on this project.

Metra expansion is vitally important to the Chicago/Northern Illinois service region. The Metra project is certainly a priority new start transit project that is worthy of Federal funding.

I will work with Senator LAUTENBERG and our House colleagues in the conference committee to make sure that the Senator's interests in this important project are represented at the conference committee.

I look forward to working with Senator DURBIN on this project in the years to come.

Mr. DOMENICI. Mr. President, I rise in support of the Department of Transportation and Related Agencies appropriations bill for fiscal year 1998.

I congratulate the distinguished chairman of the subcommittee, Senator SHELBY, for bringing his first transportation appropriations bill to the full Senate. I commend the chairman for bringing the Senate a balanced bill.

As all Members know, transportation spending was a priority area within the bipartisan budget agreement. With passage of this bill, we begin to increase funding for our Nation's infrastructure as we promised during negotiations on the balanced budget agreement.

The Senate-reported bill provides $12.6 billion budget authority [BA] and $13.2 billion in new outlays to fund the programs of the Department of Transportation, including Federal-aid highways, mass transit, aviation activities, the U.S. Coast Guard, and transportation safety agencies.

When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $12.7 billion in budget authority and $37.6 billion in outlays for fiscal year 1998.

The reported bill is $0.2 billion in budget authority and $3 million in outlays below the subcommittee's section 602(b) allocation.

This spending is $0.5 billion in budget authority below the President's fiscal year 1998 budget request for the subcommittee, and $0.15 billion in outlays above the president's request.

The Senate-reported bill is $0.6 billion in discretionary BA and $0.2 billion in outlays below the House version of the bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring on this bill be inserted in to the RECORD.

I support the bill and urge its adoption.

S. 1048, TRANSPORTATION APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	—	11,957	—	698	12,655
Outlays	59	36,890	—	665	37,614
Senate 602(b) allocation:					
Budget authority	—	12,157	—	698	12,855
Outlays	59	36,893	—	665	37,617
President's request:					
Budget authority	300	12,173	—	698	13,171
Outlays	299	36,502	—	665	37,466
House-passed bill:					
Budget authority	300	12,217	—	698	13,215
Outlays	299	36,855	—	665	37,819
SENATE-REPORTED BILL COMPARED TO—					
Senate 602(b) allocation:					
Budget authority	—	(200)	—	—	(200)

S. 1048, TRANSPORTATION APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal year 1998, in millions of dollars]

	De-fense	Non-defense	Crime	Manda-tory	Total
Outlays	—	(3)	—	—	(3)
President's request:					
Budget authority	(300)	(216)	—	—	(516)
Outlays	(240)	388	—	—	148
House-passed bill:					
Budget authority	(300)	(260)	—	—	(560)
Outlays	(240)	35	—	—	(205)

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. SMITH of New Hampshire. Mr. President, I would like to engage in a discussion with the bill manager on an amendment that I filed yesterday. Will the Senator from Alabama yield for a question?

Mr. SHELBY: Yes, I will yield to the Senator from New Hampshire.

Mr. SMITH of New Hampshire. As the Senator knows, I filed an amendment yesterday that I hope will not be necessary. The issue concerns truck weight limitations on interstate highways and potential sanctions on the States of New Hampshire and Maine.

Last year's appropriations legislation for the Department of Transportation included an amendment sponsored by Senators COHEN, SNOWE, GREGG, and myself which established a moratorium on the Department of Transportation's authority to withhold highway funds from New Hampshire and Maine because of their allowance of heavier trucks on Interstate 95. That moratorium is set to expire on September 1, 1997.

Under section 127 of our surface transportation law, States may not allow trucks over 80,000 pounds on the Interstate System without risking the loss of highway funds, even though many State roads allow 100,000-pound trucks, as is the case in New Hampshire and Maine. While I do not wish to get into a policy discussion on truck weights, there is a safety argument to be made in keeping these heavier trucks on the Interstate System, which is built to higher standards. That debate should be appropriately reserved for ISTEA reauthorization, currently under way in the Environment and Public Works Committee. It is there that we will debate any proposed changes to Federal truck weight limits.

Nevertheless, we are faced with the expiration of the sanctions moratorium on September 1 and the fact that the Environment and Public Works Committee has not yet dealt with this issue in ISTEA. It is for these reasons that I now seek assurances from the Transportation Department that sanctions would not be imposed before ISTEA is reauthorized and fiscal year 1998 apportionments are released.

Is it the Senator's understanding that the Department of Transportation would not have the authority to withhold highway funds from New Hampshire and Maine for the remainder of this fiscal year or until such time as the highway program is reauthorized and fiscal year 1998 funds are apportioned to the States?

Mr. SHELBY: Yes, that is correct. There would not be an opportunity for sanctions under section 127 of our surface transportation law until fiscal year 1998 highway funds are apportioned, which would not occur until Congress reauthorizes the surface transportation programs.

Mr. SMITH of New Hampshire. I want to thank the manager of this bill for that clarification. I yield the floor.

Mr. LEVIN. Mr. President, I would like to engage the chairman of the Transportation Appropriations Subcommittee in a brief colloquy on the matter of guidance for the distribution of fiscal year 1998 highway and transit appropriations provided by the bill before us.

It is my understanding that S. 1048 would not, if it became law, direct or otherwise assume that the allocation and apportionment of highway obligation authority to the States from the highway trust fund shall be distributed under the expiring ISTEA formulas or any other distribution scheme. Would the chairman confirm that understanding?

Mr. SHELBY. The Senator from Michigan is correct. This bill simply provides an overall limitation on States' highway obligations from the highway trust fund of $21.8 billion and is completely silent on its distribution among the States.

Mr. LEVIN. So, just to be clear, there is no way to accurately determine what share or total that any State can expect to receive of that $21.8 billion in fiscal year 1998. Is that correct?

Mr. SHELBY. Again, the Senator from Michigan is correct. That distribution will be determined when Congress works out whatever transportation law will replace ISTEA.

Mr. LEVIN. As a Senator from a donor State, I appreciate the Senator's remarks. I am looking forward to improving Michigan's return on gas tax dollars contributed into the highway trust fund and wanted to be certain that Senate action on this bill did not preclude or prejudge that debate.

From my review of the mass transit provisions in the bill, it appears that the committee has assumed the old distribution formulas and allocation method. This is a problem for Michigan, and perhaps the chairman's State too, since Michigan is a significant donor State in terms of receipts of transit grants versus contributions to the mass transit account of the highway trust fund. In fact, the Michigan Department of Transportation calculates that Michigan's return at approximately $.53 on the gas tax dollar. According to the Community Transportation Association of America, Alabama receives approximately $.16 per gas tax dollar.

I am particularly concerned about section 49 U.S.C. 5309(m), which treats bus and bus facilities very poorly in relation to other categories. And, I believe that section 5307 and related sections should be modified to more accurately reflect States' contribution into the mass transit account. These expiring sections and others in title 49 need to be rewritten to provide greater fairness to States that do not have subways or major fixed guideway facilities.

Does the Committee's bill assume that funds appropriated in this bill for mass transit grant and loan formulas and other mass transit program will be distributed according to the authorizations in title 49 that expire on October 1, 1997?

Mr. SHELBY. We have assumed current law with respect to transit programs, until such time as a reauthorization bill is enacted. With respect to formula and discretionary grants, the bill sets obligation limitations on contract authority for both programs and appropriates $190 million for formula grants. It is our understanding that the only significant amount of contract authority for transit programs that is expected to carry over into fiscal year 1998 is $392 million for transit new start projects. In the absence of a reauthorization bill, the only significant new funding for transit formula and discretionary grant programs next year would be the amount appropriated for formula grants in this bill and the amount remaining available for new start projects. The Federal Transit Administration would apportion the appropriated funds for formula grants according to current formulas, and the new start funding would be distributed based on statutory direction in this bill. Both those distributions would be revisited when reauthorization legislation has been enacted and, presumably, has created new contract authority for these programs.

Mr. LEVIN. I thank the Chairman for his willingness to clarify these matters, though the mass transit situation is very unfortunate from an equity point of view. This is obviously not the best situation. We need to move an authorization bill for both highway and mass transit programs before October 1, 1997. Debate and resolution of that matter is long overdue. I realize these are difficult and significant matters and that the balanced budget agreement has locked in a lower level of spending on transportation than most of us would have liked, but we will need sufficient time to analyze and debate whatever bill that the Senate Environment and Public Works, and the Banking Committees report to the Senate. It would be very, very unfortunate, if there is an attempt to present a bill to the Senate without adequate time to consider it before the October 1 deadline.

SAINT LAWRENCE SEAWAY

Mr. KOHL. Let me take this opportunity to thank both the chairman and ranking member of the subcommittee, Senators SHELBY and LAUTENBERG, and

their staffs, for all their hard work in putting together the transportation appropriations bill. Every Member of the Senate should greatly appreciate the bipartisan and good faith manner in which they tackled the daunting task of meeting our Nation's infrastructure priorities.

There are many transportation programs and priorities funded by this bill that are important to my State of Wisconsin and the Great Lakes region. I would like to take a moment to discuss one particular Great Lakes priority, the Saint Lawrence Seaway Development Corporation [SLSDC].

Mr. President, since its creation in 1959, SLSDC has provided safe, efficient, and reliable commercial shipping and lockage services through the Saint Lawrence Seaway. The Seaway serves as the gatekeeper for all oceangoing vessel traffic coming to and from the Great Lakes. As such, SLSDC's work is vital to the Great Lakes region, which is responsible for nearly half of America's industrial and agricultural output. That output translates into iron ore for America's steel miles, low-sulphur coal for public utilities and Midwestern export grain for the world market. Simply put, the economic viability of the Great Lakes and the country depends on the efficient operation of the Seaway and SLSDC. Of equal importance are the environmental and safety functions performed through the Seaway.

As you know, the administration has proposed that SLSDC be restructured as a performance-based organization [PBO]. I have endorsed this proposal as a critical and innovative step in ensuring the long-term stability of commercial shipping in the Seaway System and throughout the Great Lakes region, and am currently working with other Great Lakes' Senators to prepare the necessary authorizing legislation.

Last year, in the transportation appropriations bill for fiscal year 1997, the Senate included a sense-of-the-Senate amendment that the Congress should consider such legislation in the 105th Congress. We are hopeful that the Senate will approve the PBO legislation before the end of this session, although we recognize that there's much work left to be done.

As you know, one of the unique features of the PBO initiative is the financing mechanism, which would link SLSDC's funding level to performance—that is, the annual funding level would be calculated according to average tonnage figures through the Seaway. Thus, the PBO initiative authorizing legislation will move SLSDC financing from appropriated funds to an automatic, annual, performance-based payment. The administration's budget request reflected this distinction by not including a request for appropriated funds for SLSDC. I bring this up for discussion simply to avoid confusion as to the appropriations level included in the Senate transportation appropriations bill for fiscal year 1998.

Mr. SHELBY. I'm glad the Senate brought this matter to the attention of the full Senate. Although you and I discussed this matter during committee consideration of the bill, I am pleased to have the opportunity to explain this matter to the rest of our Senate colleagues. Many details of this new proposed agency performance based organization structure will have to be sorted out in the authorization process, including the funding proposal. In order to give the authorizing committees as much time as possible before making a final decision regarding this proposal, the Senate Appropriations Committee did not include any appropriated funds or bill language for the SLSDC for fiscal year 1998.

Mr. KOHL. I appreciate your fair and unbiased assessment of the PBO initiative, Mr. Chairman. We have every hope of moving the authorizing legislation this session. However, as you and I both know, Congress can be unpredictable. Sometimes we advance ideas quickly, and other times, our work is frustratingly slow. For this reason, I want to reiterate our understanding that if Congress does not enact PBO authorizing legislation for SLSDC by the beginning of fiscal year 1998, the Senate will ensure in conference with the House that SLSDC will be funded.

Mr. SHELBY. Yes, the Senate will ensure that the SLSDC is adequately funded and has the resources it needs to operate effectively and efficiently, whether or not the PBO legislation is enacted into law.

Mr. KOHL. I thank the Chairman.

INTERSTATE 4–R PROGRAM

Ms. MIKULSKI. Mr. President, I have a question for the distinguished Senator from Alabama and the distinguished Senator from New Jersey concerning discretionary funding for the Interstate 4–R Program. The report accompanying S. 1048 includes language recognizing certain projects that should receive priority attention when the Federal Highway Administration awards discretionary grants.

In Frederick, MD, there is a project to upgrade Interstate 70 at its conjunction with Interstate 270, U.S. 15, U.S. 40, and U.S. 340. The complicated interchanges of these two expressways and the other U.S. highways have numerous ramp movements which need to be reconstructed and upgraded in order to provide efficient and safe access. The current interchange forces traffic onto local streets jeopardizing safety for local residents.

I ask my colleagues whether they believe the upgrading of I–70 in Frederick would qualify as a project that might receive funds under the Interstate 4–R Program.

Mr. SHELBY. Yes, I believe that the project, as the Senator describes it, would be an excellent example of the type of work intended to be funded under this program.

Mr. LAUTENBERG. I agree, Mr. President. The I–70 interchange in Frederick, MD, is the type of project that is worthy of funding under the 4–R Program.

Mr. SARBANES. Mr. President, I want to join with my colleague, Senator MIKULSKI, in endorsing the inclusion of I–70/I–270 in Frederick, MD, on the priority list for discretionary highway funding. Anyone who drives on I–70 or I–270 in Frederick knows what a serious traffic and safety problem we have in this area. The highway narrows from 6 lanes to 4 lanes creating a bottleneck. There are missing interchanges with I–270 and U.S. 15, forcing cars and trucks onto city streets and adding to existing congestion; and the substandard condition of the highway and resulting congestion means accidents and delays for commuters, interstate truckers, tourists, businesses, and employers alike. With traffic volumes in the area projected to more than double in the next 20 years, there has been a clear need to address this problem. I want to thank the distinguished managers of the bill for their assurances.

Ms. MIKULSKI. I also want to thank the managers for the courtesy and their leadership on this legislation.

HARTSFIELD INTERNATIONAL AIRPORT

Mr. COVERDELL. Would the distinguished chairman of the Senate Appropriations Subcommittee on Transportation yield?

Mr. SHELBY. I would be happy to yield to the senior Senator from Georgia?

Mr. COVERDELL. The city of Atlanta and Hartsfield International Airport have requested a $150 million letter of intent, commonly referred to as an LOI, from the FAA in connection with the construction of a commuter runway. Atlanta's Hartsfield International Airport is the second busiest airport in the country and a critical link in our national air transportation system. A major airline headquarted in Atlanta alone has over 600 flights per day out of Atlanta. Over the past several years, there has been an increase in delays at the airport. When Atlanta has a problem with congested air traffic, the effects ripple throughout the national system. Delays at Hartsfield create waves of delay across the country. I strongly believe this project should receive priority consideration from the FAA for an LOI and would ask the chairman and the ranking member, the senior Senator from New Jersey, to support this request.

Mr. CLELAND. Would my colleague from Georgia yield?

Mr. COVERDELL. The distinguished chairman was gracious enough to yield me time. I would be happy to yield to my colleague from Georgia if it is acceptable to the chairman.

Mr. SHELBY. Certainly, it is my pleasure to yield to the junior Senator from Georgia.

Mr. CLELAND. I thank the chairman. I wholeheartedly agree with my colleague from Georgia. Hartsfield is operating beyond its capacity during peak departure and arrival times. This

produces excessive delays, inconveniences passengers, disrupts flight schedules, and increases operational cost for Hartsfield's carriers.

Commuter, typically turboprop, and other prop aircraft operations compose approximately 18 percent of the airport's activity. These aircraft weigh much less than air carrier jets. During final approach, additional intrail separation must be used when a turboprop is behind an air carrier jet due to wake turbulence. This additional separation imposes delay to aircraft behind the turboprop, delaying passengers and increasing costs resulting from the downwind portion of flight. By removing the vast majority of commuter aircraft from both the downwind and final approach segments of flight, delay is reduced for both air carrier and commuter aircraft. Thus, an additional runway to handle turboprops and light commuter jets would provide many benefits to all Hartsfield carriers.

I support priority consideration by the FAA and urge the FAA to issue an LOI for Atlanta. Would the chairman and the ranking member agree with me and the senior Senator from Georgia that this project should receive priority consideration by the FAA?

Mr. SHELBY. Yes, on behalf of the subcommittee, I would agree that the efficiency of Atlanta's Hartsfield International Airport is important to the Nation and vital to the Southeast. The FAA should issue an LOI for construction of a commuter runway at Hartsfield.

Mr. LAUTENBERG. I concur with my colleague and support the request. This project is an important investment not only for Atlanta, but for the national air transportation system.

Mr. COVERDELL. I appreciate the chairman's and ranking member's support for this project, which is vital to the city of Atlanta and Hartsfield International Airport. Would you be willing to include language in the conference report to the fiscal year 1998 Transportation appropriations bill which indicates that this project should receive priority consideration by the FAA?

Mr. SHELBY. Yes, I would be happy to work with both Senators from Georgia and try to include such language in the conference report.

Mr. LAUTENBERG. I also would be willing to work with the chairman and both Senators from Georgia.

Mr. COVERDELL. I would like to thank the chairman, the ranking member, and my colleague from Georgia for their help in this matter. I yield the floor.

Mr. CLELAND. I would also like to thank the chairman, the ranking member, and my colleague from Georgia for their help. I yield the floor.

STRUCTURE RESEARCH

Mr. LEVIN. Mr. President, I would like to engage the subcommittee chairman in a brief colloquy regarding a small, but important project underway in Michigan. As he may know, the State of Michigan and the Federal Highway Administration are working together in the use of advanced carbon and glass composites as reinforcements for concrete to replace steel in the manufacture of prestressed bridge beams and bridge decks. The House Appropriations Committee report encourages FHWA, through its structures research program, to assist the State in designing and deploying monitoring protocols and systems. I would hope that the Senator from Alabama would be able to support that language in conference.

Mr. SHELBY. I am aware of the structure research that the Senator from Michigan has described and will work with him to ensure that his interests are recognized during conference committee consideration of this matter.

Mr. LEVIN. I thank the chairman for his assistance.

Mr. BROWNBACK. First of all, I would like to thank the Senator from Alabama for his hard work on this bill and to commend him for his diligence in furthering this important legislation.

I would like to talk about a provision that is a part of the House counterpart to this bill and which addresses issues related to the impact in Wichita, KS, of the Union Pacific and Southern Pacific merger. At this time, I ask unanimous consent that the report language included in the House bill be inserted for the RECORD.

Mr. President, the impact of this merger is of great importance to the community of Wichita, KS. Since the railroad runs through the center of the city, the increased train traffic resulting from the merger may affect significantly the flow of traffic through the city. Various alternatives to mitigate this impact are currently being considered, including the building of grade separations through the city or the building of a bypass around the city. The Surface Transportation Board is currently evaluating the feasibility of each of the alternatives, and is expected to release its recommendations for easing the impact of the additional trains in early September. The language that I am requesting to be included in the RECORD would simply state that the STB should revisit its recommendations if any substantial changes are made in the assumptions used to complete this study. This would include assumptions in the number of trains that are expected to pass through the city or the speed at which the trains travel. I would also like to point out that not only will this provisions not have any current budgetary impact, it will help to ensure that the Federal Government will not finance costly bailout in the future because of faulty planning.

I would like to get assurances from the Senator from Alabama that he will pay close attention to the concerns of the community of Wichita during the Conference Committee consideration of this issue.

Mr. SHELBY. I thank the Senator from Kansas for his interest in this issue. I understand that the impact of the Union Pacific-Southern Pacific merger will continue to be a concern to the community of Wichita. I assure the Senator from Kansas that I will work with him during the House-Senate Conference Committee consideration of this issue.

Mr. BROWNBACK. I thank the Senator from Alabama.

Mr. McCAIN. Mr. President, the Senate has now completed action on 9 of the 13 annual appropriations bills that fund the Government and we are now nearing the close of debate on the Transportation appropriations bill. We have completed action on those bills in record time, for which I congratulate the managers of those measures.

These bills contain many good provisions and generally provide appropriate levels of funding to continue the necessary functions of the Federal Government.

But, Mr. President, by my reckoning, in the process of acting on these 10 measures, the Senate will have wasted almost $10 billion on wasteful, unnecessary, low priority, pork-barrel projects. This is an appalling waste of taxpayers dollars—almost a billion dollars for every appropriations bill we have considered so far, and we still have three more appropriations bills to go.

This bill is typical of the types of earmarks and set-asides that members add to the multi-billion-dollars bills.

This bill and report earmark billions of dollars for specific highways, railroads, bridges, boats, hangers, and even a covered bridge. Yes, a covered bridge. The report earmarks $2 million of Federal highway funds to restore a covered bridge in Vermont.

The report directs the Coast Guard to buy twice as many coastal patrol boats from the Bollinger Machine Shop and Shipyard in Louisiana as were requested by the Coast Guard—at a cost of $68.1 million for 15 boats.

Another $4 million is earmarked to renovate a hanger at the Kodiak, AK Coast Guard facility, a project which was not included in the budget request.

The bill earmarks $26 million to repair three bridges in Hawaii, Louisiana, and Georgia.

But these are ordinary earmarks of relatively small amounts of money. Let me take a moment to highlight some of the larger set-asides in this bill.

All of the $76.65 million provided for testing of intelligent transportation systems, none of which was requested, is earmarked; 24 projects in 18 States are listed in the report to receive a share of this $76 million.

A total of $300 million is earmarked for Appalachian development highway systems—$100 million more than requested by the administration.

All but $2 million of the $440 million for bus and bus facility discretionary grants is earmarked for specific projects in specific States; 35 States

will receive these grants, with Alabama, Missouri, New York, and West Virginia getting more than $25 million each.

All but $5.8 million of the $780 million for new mass transit facilities is earmarked; 26 of the 40 projects for which funds are specifically set-aside were not even requested by the administration. Of these unrequested projects, Washington State will receive $24 million for a commuter light-rail system; Orlando, FL, will receive another $31.8 million for its light-rail system, in addition to the $2 million provided last year; and New York City will get $50 million for an East Side access project.

Mr. President, I am pleased to note that the $23.45 million earmarked in this bill for the Pennsylvania Station redevelopment project in New York City will complete the Federal funding share of this project. I would certainly hope that $100 million would be enough to ask the Federal taxpayers to contribute to this $300-plus million project. I strongly suspect, however, that there will be unexpected costs and final details to be completed, and we will see another several million earmarked for this project in next year's bill.

Finally, the report contains language earmarking just $450,000 for a ''transportation emergency preparedness and response demonstration project on the threat of tornadoes in the Southern and Midwestern States.'' The report also establishes a requirement that $400,000 of this money is to be used to assist in the ''construction and establishment of an underground emergency transportation management center utilizing satellite communications.''

This sounds to me like a good idea in general, but I am concerned about two things. First, how can this center be established for just $450,000? And second, why did the Committee find it necessary to add a specification that the center ''shall be located in a region that is susceptible to tornadoes and at an elevation of over 1,300 feet above sea level * * * and be within reasonably close proximity to military, space and/or nuclear facilities to provide rapid response time (but far enough away to be safe from disaster impacts).'' I wonder why the Committee felt it was necessary to be so specific about the location for the center. Why not just put in motion the process to establish a tornado emergency preparedness center, and allow it to be built at the best site to carry out its mission?

These are only a few of the earmarks and special projects contained in this measure, but I will not waste the time of the Senate going over each and every earmark.

Mr. President, it is difficult for me to see the logic of wasting $9.9 billion in these 10 appropriations bills, and then hastening to pass a Balanced Budget reconciliation bill to reduce Federal spending. If we could just avoid pork-barrel spending in the first place, we would not have to go through the painful process of eliminating it in later years.

I hope my colleagues on the Appropriations Committee will not bring appropriations bills back from conference with all of the earmarks and add-ons of both Houses, or we may well find ourselves negating any progress we have made in the reconciliation process toward a balanced Federal budget.

I ask unanimous consent that a list of objectionable provisions in this bill be printed in the RECORD.

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

OBJECTIONABLE PROVISIONS IN FISCAL YEAR 1998 TRANSPORTATION APPROPRIATIONS BILL

U.S. COAST GUARD

Report earmarks $146,500 for the Marine Fire and Safety Association, a private association (Columbia River area in OR & WA).

Report provides $30.8 million more for acquisition of 7 more coastal patrol boats than requested, which are built by Bollinger Machine Shop & Shipyard in Louisiana.

Report earmarks $4 million to renovate a hanger at the Coast Guard Kodiak, Alaska facility, which was not included in the budget request.

Bill and report provide $26 million to repair 3 bridges under the Truman-Hobbs Act: $5.0 million for the Sand Island Road Tunnel in Honolulu, HI; $3.0 million for the Florida Avenue Bridge in New Orleans, LA; and $18.0 million for the Sidney Lanier Bridge in Brunswick, GA. These projects should be funded from the FHWA discretionary bridge program, not the Coast Guard.

FEDERAL AVIATION ADMINISTRATION

Directs the FAA Administrator to meet the authorized staffing levels for all air traffic control facilities in the New York/New Jersey region by the dates identified in the pending agreements with the pertinent employee organizations. Directs the Administrator to inform the Appropriations Committee immediately if it appears that those deadlines will not be met.

Directs the FAA to study air traffic at the airports in New Bern (NC), Hickory (NC) and Salisbury (MD). If those airports meet or are projected to meet FAA's benefit/cost criteria for contract tower operations within the next two years, or if tower operations could be justified under a cost-sharing arrangement, directs the FAA to open contract towers at those airports for service during FY98.

Earmarks $400,000 to provide a low-earth orbit (LEO) satellite communication system at Anchorage (AK), to augment present communications systems.

Earmarks $970,000 to demonstrate infrared heating for aircraft deicing at the Rhinelander/Oneida County Airport (WI).

Earmarks $1,700,000 to establish new remote communication outlets in five Alaska sites.

Earmarks $2 million for the Alaska Volcano Observatory for equipment and data transmission facilities on suspect volcanoes across the Alaska peninsula and the Aleutian Islands.

Earmarks $5 million for a new control tower at North Las Vegas (NV) and $3 million for a new control tower at Martin State Airport (MD).

Earmarks $875,000 to improve the Rutland (VT) State airport instrument approach by reducing the ceiling and visibility minima.

Earmarks $80,000 to install a standard omnidirectional approach lighting system (ODALS) under the approach to Runway 9 at Cordova Airport (AK).

Earmarks $10 million to procure 10 new tactical landing systems (TLS). Intends for the systems to be installed and tested at regional airports that exhibit requirements for improved economic development and safety of operation including, but not limited to, the Pullman-Moscow Regional Airport (WA), the Friedman Memorial Airport (ID), and at rural airports in Brigham City (UT), Logan (UT), Wendover (UT), and Tooele (UT).

Earmarks $5 million for the precision approach path indicator (PAPI) navigational aid systems, with 10 directed to be installed at remote Alaskan airport locations.

Earmarks $3.5 million for two wind profilers currently leased at the Juneau (AK) airport along with new computers and navigational aids, and to install anemometers, and for the costs to calibrate the new equipment.

Earmarks $4 million to accelerate replacement of existing, nonsupportable engine generators and to replace FAA's electrical distribution system at Cold Bay (AK) with an underground electrical distribution system.

Earmarks $18.9 million for FAA aircraft fleet modernization, and directs the FAA to exercise the option presently in place for the acquisition of one new modified Learjet 60 flight inspection and airways calibration aircraft under the contract presently in force between the FAA and E-Systems.

Earmarks $750,000 for additional training equipment for the Rocky Mountain Services Training Center (RMESTC).

Earmarks $1.25 million for the continued development of an alternative explosives detection technology that uses a neutron probe, which determines the number and ratio of atoms of hydrogen, carbon, nitrogen and oxygen in small volumes throughout a suitcase and uses that information to identify contraband substances such as explosives and drugs.

Priority consideration for AIP discretionary grants for 35 specified airports (report p. 73), and priority consideration for new Letters of Intent (LOI) that establish multi-year obligations of AIP funds for 5 specified airports (report p. 80).

FEDERAL HIGHWAY ADMINISTRATION

Report earmarks $1.2 million for research into high performance materials and bridge systems and ''strongly recommends'' that FHWA conduct the research during the Interstate 15 reconstruction project and other transportation projects in the Salt Lake Valley, Utah.

Report directs FHWA to work with an unnamed academic and industry-led national consortium and fund with available money an advanced composite bridge project to demonstrate the applications of an all-composite bridge for civil infrastructure purposes.

Report earmarks $100,000 for FHWA's participation in an assessment of methodologies needed for estimating emissions of particulate matter, the sources and composition of particulate matter from roadway construction and heavy truck activity in the San Joaquin Valley of California.

Report directs DOT to continue a cooperative agreement with the National Center for Physical Acoustics to identify scientific issues which impede accurate noise prediction. (Last year the Committee earmarked $250,000 for the Center for this purpose.)

Report earmarks $2 million for an assessment of the Red River corridor transportation infrastructure of the five-State area.

Earmarks all of the $76.65 million appropriated for Intelligent Transportation Systems operational tests, none of which was requested, as follows:

$2.3 million for Southeast Michigan snow and ice management

$7 million for Intelligent transportation systems in Utah

$2 million for intermodal common communications technology in Kansas City, Missouri

$3.75 million for intelligent transportation systems in Reno, Nevada

$500,000 for intelligent transportation systems in Yosemite Valley, California

$1.5 million for the Western Transportation Institute in Bozeman, Montana

$10 million for traffic management in Barboursville-ONA, West Virginia

$600,000 for the advanced traffic analysis center at North Dakota State University

$800,000 for advanced transportation weather information systems in North Dakota

$1 million for an emergency weather system in Sullivan County, New York

$250,000 for the Urban Transportation Safety Systems Center in Philadelphia, Pennsylvania

$2.1 million for toll plaza scanners in New York City

$2 million for a computer integrated transit maintenance environment project in Cleveland, Ohio

$1.4 million for the intermodal technology demonstration project in Santa Teresa, New Mexico

$3 million for hazardous materials emergency response software for Operation Respond

$750,000 for radio communication emergency call boxes in Washington State

$2.5 million for statewide roadway weather information systems in Washington

$400,000 for Texas Department of Transportation Intelligent Transportation System (ITS) research

$9.2 million for Milwaukee, MONITOR, and Wisconsin rural ITS

$2.1 for the I–95 multistate corridor coalition

$12 million for truck safety improvements on I–25 in Colorado

$2.2 million for traffic integration and flow control in Tuscalousa, Alabama

$8 million for Pennsylvania Turnpike Commission ITS

$1.3 million for Alaska cold weather ITS sensing

Report directs FHWA to fund a study on the impact of establishing a road link from Wrangell, Alaska, to the Canadian border along a proposed Bradfield Road alignment.

Bill provides $300 million ($200 million was requested) for Appalachian development highway systems.

Report directs FHWA to give priority to funding for specific projects, including 5 bridge projects, 4 interstate rehabilitation projects, 3 federal lands highway projects, and 5 ferry projects.

Report earmarks $2 million for a covered bridge restoration program in Vermont.

Report earmarks $6.4 million of the $18 million provided for ferryboats and ferryboat facilities program for the Hollis-Craig-Ketchikan Ferry.

Reports directs FHWA to give priority consideration to the safety improvement program on Highway 101 around the Olympic Penisula in Washington State.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Report earmarks $300,000 for emergency medical personnel guidelines for treating severe head injuries and NHTSA is encouraged to work with the Aitken Neuroscience Institute on the guidelines.

FEDERAL RAILROAD ADMINISTRATION

Report earmarks $4 million for the first of four installments for a positive train control demonstration project on the Alaska Railroad.

Report earmarks $23.45 million to complete the Federal funding share for the Pennsylvania Station redevelopment project in New York City.

Report earmarks $5 million for New York State to use to leverage private financing of high-speed trainsets between New York City and Buffalo.

Report earmarks $4 million for improving grade crossings in the 92-mile Charlotte to Greensboro, North Carolina high-speed railcorridor.

Report earmarks $500,000 to a State department of transportation (unnamed) to establish a consortium of States and other participants to advance high-speed rail.

Bill provides $17 million for the Alaskan Railroad, which was not requested.

FEDERAL TRANSIT ADMINISTRATION

Report earmarks $1 million for continued development of low-speed magnetic levitation technology for a downtown urban area shuttle in Pittsburgh, Pennsylvania.

Report expresses support for Federal funding for a 2-year effort by the city and county of Honolulu to undertake an analysis to develop mobility alternatives for Honolulu's primary urban corrider from Ewa to east Honolulu.

Of the $440 million provided for bus and bus facility discretionary grants, all but approximately $2 million is earmarked for the following projects. Projects indicated by ** received FY 97 funds in the amount contains in brackets.

Alabama ($39 million): Birmingham/Jefferson County buses, $12 million; Huntsville Intermodal Center, phase I, $10 million; Mobile Southern Market historic intermodal center, $1 million; Mobile Municipal Pier intermodal waterfront access rehabilitation project, $2 million; Mobile bus replacement, $3 million; Birmingham downtown intermodal transportation facility, phase 2, $6 million; Montgomery bus replacement, $3 million; Tuscaloosa bus replacement, $2 million

California ($17.7 million): Riverside County transit vehicle ITS communications, $1 million; Rialto MetroLink depot, $2.2 million; Modesto bus maintenance facility, $3.5 million; Foothills bus maintenance facility $9 [$4.75 million], and ATTB bus project, $2 million. [$3.173 million]

Colorado: ($11 million): Colorado Association of Transit Agencies, buses and equipment

Connecticut ($7.5 million): Bridgeport intermodal center [$1 million]

District of Columbia ($4 million): Fuel cell bus facilities

Florida ($14 million): Lakeland transit buses $1 million; Volusia County buses $2 million [$1.5 million]; Palm Beach buses $2 million; Metro Dade Transit buses and facilities $5 million; LYNSX Central Florida Regional Transportation Authority buses and bus facilities $4 million [$4 million].

Georgia ($5 million): Atlanta MARTA compressed natural gas buses [$2 million]

Hawaii ($10 million): Honolulu buses and facilities

Indiana ($4 million): Indianapolis Public Transportation buses [$1 million]

Iowa ($8 million): Statewide bus and bus facility projects, $5.5 million [$3.72 million] and Sioux City park and ride facility, $2.5 million.

Kansas ($2 million): Johnson Co. Bus maintenance/operations facility [$2.2 million]

Louisiana ($8 million): Statewide bus and bus facility projects, $5 million [$16.5 million]; New Orleans TRA central maintenance facility, $3 million

Maryland ($10 million): Mass Transit Administration buses and facilities [$5 million]

Massachusetts ($4 million): Springfield intermodal center, $1 million; Worcester Union Station intermodal center $3 million [$3 million]

Minnesota ($3 million): St. Paul, Snelling bus garage

Mississippi ($4 million): Jackson bus facility [$3 million]

Missouri ($32 million): Kansas City buses and fare bus collection system, $7 million [$2.65 million]; Kansas City Union Station intermodal center, $9 million [$6.5 million]; OATS rural bus programs, $16 million

Nevada ($8 million): Las Vegas transit system vehicles [$3.3 million]

New Jersey ($12 million): NJ transit alternative fuel buses

New Mexico ($11.8 million): Sante Fe buses and facilities, $1 million; Demonstration of universal electric transportation subsystems [DUETS], $1.3 million; statewide bus and bus facilities, $7.5 million; Las Cruces and Albuquerque park and ride, $1 million [$1 million]; Albuquerque uptown transit center, $1 million [$1 million]

New York ($47.05 million): Poughkeepsie intermodal facility, $4 million; Suffolk County buses, $4.3 million; Rensselaer County Intermodal facility, $3.750 million; Westchester County buses, $10 million; Nassau Co. Natural gas buses, $10 million, New York City natural gas buses, $15 million [$10 million]

North Carolina ($8.6 million): Chapel Hill University buses, $1.6 million; statewide bus and bus facilities, $7 million [$27.5 million]

Ohio ($12.5 million): Statewide bus and bus facilities [$27 million]

Oregon ($2 million): Salem and Corvallis bus and bus facilities, $2 million; Lane Transit District bus system in Eugene, $1 million. [$2.55 million]

Pennsylvania ($15 million): Philadelphia Eastwick intermodal center ($2 million) [$1 million]; SEPTA small buses, $2 million; Wilkes-Barre intermodal facility, $3 million; statewide bus and bus facility projects, $8 million

South Carolina ($11 million): Columbia buses and facilities, $3 million; Pee Dee Regional Planning Authority buses and facility, $7 million; Virtual Transit Enterprise, integration of transit information processing systems, $1 million

South Dakota ($4.5 million): Sioux Falls maintenance facility

Tennessee ($15 million): Statewide bus and bus facilities projects, [$2.5 million]

Texas ($23.9 million): Galveston Transit alternatively fueled buses, $3 million; Corpus Christi Transit Authority facilities and dispatching system, $3.9 million [$1 million]; Brazos Transit Authority transit facilities and buses, $4 million [$1.35 million]; Austin Capital Metro buses, $6 million, rural Texas bus replacement program, $5 million, and Fort Worth buses, $2 million.

Utah ($13.4 million): Utah Transit Authority Olympic park and ride lots, $4 million; Park City transit buses, $.4 million; Salt Lake City Utah transit authority bus acquisition, $4 million [$5.6 million]; Salt Lake City, Utah Transit Authority Olympic intermodal transportation centers, $5 million [$5.5 million]

Vermont ($4.750 million): Burlington multimodal facility, $3 million [$1.5 million]; statewide bus and bus facilities projects, $1.750 million [$4 million]

Virginia ($2 million): Richmond multimodal center [$10 million]

Washington ($22 million): Chelan-Douglas multimodal center, $2 million; Community Transit, Kasch Park facility, $3 million; Olympic Penisula International Gateway Transportation Center, $1 million; Whatcom Transportation Authority facilities, $3 million, King County metro commuter intermodal connector, $3 million [$4 million]; King County park and ride lots, $10 million

West Virginia ($28 million): Huntington intermodal facility and buses, $9.5 million; statewide buses and bus facilities, communications and computer systems, $18.5 million

Wisconsin ($15 million): Milwaukee rail station rehabilitation, $2 million; Wisconsin transit system buses, $13 million [$11.9 million]

Of $780,000,000 provided for New Mass Transit Facilities Discretionary Assistance and all but $5.8 million is earmarked in the bill. The Administration requested $634,000,000, all of which was earmarked to fund the federal share of the 14 projects with regional transit operator systems having Full Funding Grant Agreements with the Federal Transit Administration. The 14 projects are in, or ready to begin, construction. The Committee increased the administration requests for four projects, providing:

$30 million for Denver's project instead of $21.3 million

$35 million for MARC commuter instead of $26.9 million

$64 million for Hudson-Bergen, NJ instead of $54.7 million, and

$84 million for Salt Lake City's South light rail transit project instead of the $42.7 requested.

The Committee earmarked funds for 26 projects for which NO funds were requested, as follows. Projects marked with ** received FY 97 funding in the amount shown in parentheses.

$1 million for Austin Capital Metro

$2 million for Boston urban ring

** $8 million for Burlington-Essex, Vermont commuter rail ($1 million)

$800,000 for Canton-Akron-Cleveland commuter rail

$3 million for Charleston, SC monobeam rail project

$500,000 for Cincinnati Northeast/Northern Kentucky rail line project

$5 million Clark County Nevada rapid transit commuter fixed guideway

** $14 million for DART north central light rail extension ($11 million)

$50 million for the East Side access project in New York

** $12 million for Florida tricounty commuter rail ($9 million)

$4 million for the Galveston rail trolley system

$2 million for the Griffin light rail project in Hartford, CT

$1.5 million for the Indianapolis northeast corridor

** $3 million for the Jackson, Mississippi intermodal corridor ($5.5 million)

** $1 million for the Memphis regional rail plan ($3.03 million)

$500,000 for the Nassau hub rail link environmental impact statement

** $4 million for the New Orleans Desire streetcar line reconstruction ($2 million)

** $14 million for North Carolina Research Triangle Park ($2 million)

** $6 million for Northern Indiana South Shore commuter rail ($500,000)

** $2 million for Oklahoma city MAPS corridor transit system ($2 million)

** $31.8 million for Orlando Lynx light rail project ($2 million)

** $8 million for the Pittsburgh busway projects ($10 million)

$2 million for Roaring Fork Aspen Valley rail

$8 million for Salt Lake City regional commuter systems

$24 million for Seattle-Tacoma light rail and commuter rail, and

$500,000 for Springfield-Branson, MO commuter rail

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

$450,000 is earmarked for a ''transportation emergency preparedness and response demonstration projects on the threat of tornadoes in the Southern and Midwestern States. Of the total, $400,000 is to be used to assist in ''the construction and establishment of an underground emergency transportation management center utilizing satellite communications.'' According to the report, the center ''shall be located in a region that is susceptible to tornadoes and at an elevation of over 1,300 feet above sea level . . . and be within reasonably close proximity to military, space and/or nuclear facilities to provide rapid response time.''

The bill contains a general provision prohibiting any funds in the bill from being expended unless Buy American Act provisions are complied with.

TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM AT PAINE FIELD IN WASHINGTON STATE

Mr. GORTON. Mr. President, I commend the chairman of the Appropriations Subcommittee on Transportation for the excellent job he has done on this bill, and in particular for the priority he has given to airports. The chairman has been very accommodating in looking out for the interests of Washington State. There is one program, however, that we did not address in this bill, and I would like to seek the chairman's assistance in seeing that the issue can be raised in conference. Paine Field in Everett, WA, is currently the third busiest airport in the State. In addition to being the airport from which Boeing tests its 747, 767, and 777 aircraft, I understand that a commercial airline has indicated its interest in operating from Paine Field. Despite the growing traffic, Paine Field does not have a radar system, and air traffic controllers currently use binoculars and reports from pilots to determine the positions of aircraft relative to each other.

I understand that while most radar air traffic control systems can be quite expensive, there is a new system that is far less costly and could be appropriate for testing at airports like Paine Field. This technology, called the terminal automated radar display and information system, or TARDIS, essentially reproduces in the air traffic control tower, radar images generated elsewhere. In the case of Paine Field, the data may be obtained from nearby Fort Lawton.

While it remains to be seen whether this TARDIS system is, in fact, appropriate for Paine Field, I would appreciate the chairman's assistance in revisiting this issue in conference with an eye to including report language urging the FAA to give full consideration to installing a TARDIS system at Paine Field.

Mr. SHELBY. I thank the senior Senator from Washington for his kind words, and assure him that I look forward to working with him during conference on the issue of TARDIS at Paine Field, and other issues of interest to Washington State.

APPALACHIAN DEVELOPMENT HIGHWAY

Mr. MCCONNELL. Mr. President, I have come to the floor today to raise a matter that is of great concern to me and that is the inequitable repayment policy of the Appalachian Development Highway System [ADHD] Program. States like Kentucky, Tennessee, Georgia, Mississippi, and New York, which have prefinanced Appalachian road projects, are reimbursed at a 70-percent Federal match, while States expending funds for new mileage receive an 80-percent match.

Unfortunately, this error will cost Kentucky at least $7 million if it isn't corrected. Kentucky is one of five States to prefinance Appalachian development highway projects. According to the Appalachian Regional Commission, this error will cost those States up to $30 million.

It is my understanding that this inequity is due to clerical error that occurred during consideration of the Surface Transportation Assistance Act of 1978. Language amending subsection (f) regarding regular highway funding was included, but subsection (h) on prefinancing was inadvertently left out. Both the Carter and Reagan administrations attempted to fix this inequity, but not of the efforts have succeeded.

I have requested the assistance of both the bill managers in correcting the problem. I have also sought the advice of Senator JOHN WARNER, the chairman of the Subcommittee on Transportation, which has the responsibility of authorizing this program. I appreciate their willingness to assist me in finding a solution to this problem.

Mr. President, I would like to ask the chairman of the subcommittee, Senator SHELBY his views on this matter.

Mr. SHELBY. Mr. President, the committee is aware that States have prefinanced construction projects authorized under the Appalachian highway program are reimbursed at 70 percent Federal share, while those States expending funds for the new mileage receive an 80-percent Federal share. The committee recognizes that this provision treats those States that have taken the initiative to prefinance these needed road projects differently and urges the appropriate authorizing committee to consider correcting this funding inequity over the period during which funds are made available to complete the ADHS.

Mr. MCCONNELL. Mr. President, I would like to ask Senator WARNER if he agrees with my assessment of the problem and would help me correct this error in the reauthorization of the surface transportation bill, which is set to expire on September 30.

Mr. WARNER. Mr. President, I would like to thank the gentleman from Kentucky, Mr. MCCONNELL, for his leadership in raising this matter. I agree that this inequitable reimbursement rate for States who prefinance construction projects should be addressed. As the chairman of the Transportation and Infrastructure Subcommittee of the Committee on Environment and Public Works, I will bring this matter to the attention of my committee colleagues and work to correct this problem in the

surface transportation reauthorization bill.

Mr. INOUYE. Mr. President, I rise to expound upon a provision in the Transportation appropriations bill to forgive the State of Hawaii from its obligation to repay $30 million owed to the Airport Revenue Fund for ceded land payments to the Office of Hawaiian Affairs [OHA].

Current law states that airport revenues can only be used for airport purposes. The U.S. Department of Transportation's inspector general found in September of 1996, that the approximately $30 million in ceded land payments made from the Hawaii Airport Revenue Fund were not in compliance with the law. In April of this year, the U.S. Department of Transportation affirmed the decision, and is seeking the repayment of those moneys.

A continuation of the status quo—continued ceded land payments from the Airport Revenue Fund—was not possible. It was counter to the U.S. Department of Transportation's position and policy. I did not have the support of my colleagues to legislate its continuation. At this time, forgiveness of the $30 million debt was possible and achievable. I thank my colleagues for allowing for the congressional forgiveness of an airport revenue diversion in order to aid the State of Hawaii and the Office of Hawaiian Affairs.

However, I would like to make clear that as a result of the U.S. Department of Transportation ruling and the pending legislation, the removal of the Airport Revenue Fund for use by the State of Hawaii as a source of compensating the Office of Hawaiian Affairs for use of ceded lands upon which the airports sit, should not equate to a like reduction in the State's obligation to OHA under State law. This forgiveness provision should not be construed as a forgiveness of the State's obligation to OHA.

The airports continue to sit on ceded lands. The State's obligation to compensate OHA for the use of the land upon which the airports sit should also continue. The only difference would now be the source the State will draw upon to satisfy its obligation. I have viewed my role as aiding in alleviating the accumulated debt to reduce the pressure, and thereby allow the State and OHA to return to the negotiating table to work toward a mutually acceptable course of action that accepts as a premise, the existence of an obligation.

To ensure that my intent is clear in this regard, I have requested the inclusion of the following provision in section 335:

Nothing in this Act shall be construed to affect any existing statutes of the several states that define the obligations of such states to Native Hawaiians, Native Americans or Alaskan Natives in connection with ceded lands, except to make clear that airport revenues may not be used to satisfy any such obligations.

Mr. President, in light of the unique history of Hawaii's ceded lands and the obligations that flow from these lands for the betterment of the native Hawaiian people, I believe that this is more than a fiscal matter, this is a fiduciary matter—one of trust and obligation. Section 335 ensures that the State of Hawaii and OHA would not be required to return funds already in their possession. It is my expectation that this will calm the waters and clear the way for reasoned negotiations as the State, in good faith, looks to satisfy its obligations from other sources.

Mr. SHELBY. Mr. President, I know of no further amendments to S. 1048 at this time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The clerk will report the House companion bill.

The legislative clerk read as follows:

A bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. All after the enacting clause is stricken and the text of S. 1048, as amended, is inserted.

Under the previous order, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill was read the third time.

Mr. SHELBY. I ask unanimous consent that the vote occur on passage of H.R. 2169 immediately following the vote with respect to S. 39, the tuna-dolphin bill, which will occur tomorrow morning.

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

Without objection, rule XII is waived as well.

MEASURE READ FOR FIRST TIME—S. 1085

Mr. LAUTENBERG. Mr. President, it is my understanding that S. 1085, introduced earlier by Senator WELLSTONE, is at the desk. I ask for its first reading under rule XIV.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1085) to improve the management of the Boundary Waters Canoe Area Wilderness, and for other purposes.

Mr. LAUTENBERG. Mr. President, I now ask for a second reading and object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. SHELBY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

PREGNANCY-BASED SEX DISCRIMINATION IN MEXICO'S MAQUILADORA INDUSTRY

Mr. LEAHY. Mr. President, I want to bring to the attention of the Senate that Human Rights Watch, the International Labor Rights Fund, and Mexico's National Association of Democratic Lawyers have asked the U.S. National Administrative Office [U.S. NAO] to investigate reports of widespread pregnancy-based sex discrimination in Mexico's maquiladora industry.

These organizations report that maquiladoras routinely administer pregnancy exams to prospective female employees in order to deny them work, in blatant violation of their privacy. Female employees face invasive questions about contraceptive use, sexual activity, and menses schedules. In some cases, women who become pregnant after being hired are forced to resign. Maquiladora owners fear that pregnant women will reduce production standards and that legally mandated maternity benefits will drain industry money. The report concludes that the Mexican Government has failed to investigate these discriminatory practices in violation of their own laws and NAFTA.

The request for an investigation is the first of its kind that has been brought before the U.S. NAO. The case represents an important opportunity to convey to our trading partners and United States corporations who have operations in Mexico that sex discrimination is intolerable, illegal, and in violation of NAFTA.

As we consider expanding NAFTA benefits to the Caribbean Basin and other South American countries, the United States should demonstrate to our trading partners that we take labor rights violations seriously. I hope the U.S. NAO will consider this case expeditiously and I look forward to its report. The priviledge of free trade and its economic benefits should be conditional upon the trading partners abiding by the same labor and environmental laws.

THE SHAW'S SUPERMARKET LABOR CONTROVERSY

Mr. KENNEDY. Mr. President, for the past 2 days, 6,500 workers have been on strike at the Shaw's Supermarket chain in southeastern Massachusetts and Rhode Island. These workers are members of the United Food and Commercial Workers Union. For months, they negotiated in good faith with their employer in an effort to reach a collective bargaining agreement fair to both sides.

But no agreement could be reached. The company insisted on cutting

health care benefits and requiring the employees to pay part of the premium. The company also proposed to reduce sick leave and cut back on job security protections. In addition, the company would not even consider the wage increase that the workers are seeking.

The company left workers no choice but to go on strike when their current contract expired—and at midnight last Sunday they did so.

Many of the affected employees earn less than $6 an hour. All of them count on health benefits for themselves and their families. These employees include Marilyn and Donnie Henderson, a husband and wife from Methuen, MA. They began working at Shaw's over 15 years ago, when the company was a family-owned business. Now it is owned by a corporation based in Britain. Donnie Henderson suffers from emphysema. He needs the health insurance. So do the couple's children, one of whom is disabled.

The Hendersons and thousands like them are hardworking, dedicated employees of Shaw's. They went on strike only as a last resort, because they can't afford to take the cuts the company demanded.

Today, it appears that the company and union have reached a tentative settlement of their dispute. Union members will vote tomorrow on whether to ratify the agreement. Employees could be back on the job by this weekend.

All of us agree that labor disputes are best resolved when the parties themselves can reach agreement. I am hopeful that this is what has happened between Shaw's and its employees.

But, if the matter is not resolved, and workers are forced to continue to walk picket lines, I am concerned that the company might again turn to the use of replacement workers. Shaw's used replacements from the beginning of this strike, and I regret that. This tactic is hostile to loyal workers like the Hendersons, and hostile to the collective bargaining process. In strikes where permanent replacements are used, workers lost the most, but studies show that everyone else loses as well. Employers suffer, too, because strikes are prolonged.

According to a study of the period from 1935 to 1973, the average duration of a strike was seven times longer in cases where permanent replacements were used.

Another study found that, where employers neither announced an intention to hire permanent replacements nor actually hired them, the average length of strikes was 27 days, but it soared to 84 days when permanent replacements were hired.

The ability to hire permanent replacements tilts the balance unfairly in favor of businesses in labor-management relations. Hiring permanent replacements encourages management intransigence in negotiating with labor. That practice encourages employers to replace current workers with new workers willing to settle for less—to accept smaller paychecks and other benefits.

This tradeoff is unacceptable for the 6,500 striking workers at Shaw's Supermarkets, and it is unacceptable for working men and women across the country. Therefore, if the tentative settlement between Shaw's and its employees breaks down, and Shaw's tries to hire replacement workers again, I intend to offer legislation to prohibit this practice. The Workplace Fairness Act will ensure that the right to join a union and bargain over wages and employment conditions remains a meaningful right, instead of a hollow promise. The bill reaffirms our commitment to the collective bargaining process, and to a fair balance between labor and management.

I am hopeful that employees and Shaw's management will resolve all their differences this week. But if they do not, and replacement workers appear at the supermarkets again, I intend to offer a bill to outlaw that tactic, and will urge my colleagues to approve it.

WILLIAM J. BRENNAN, JR., GUARDIAN OF THE CONSTITUTION

Mr. MOYNIHAN. Mr. President, current Supreme Court Justice David Souter captured the legacy of jurisprudence left behind by William J. Brennan Jr., when he said: ''Justice Brennan is going to be remembered as one of the most fearlessly principled guardians of the American Constitution that it has ever had and ever will have.''

In an era when no institution is more embattled than the U.S. Constitution, we must make special note of the passing of such ardent guardians. In a manner that endeared him equally to friend and foe, Justice Brennan matched the importance of his decisions with literary acumen. With language that could be compared to the authors of the Constitution, Justice Brennan guarded the constitutional principles—most especially the freedom to criticize one's government.

Madison's original version of the first amendment submitted on June 8, 1789, provided that: ''The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable.'' Justice Brennan's identification of Madison's inviolable protection was crucial during the civil rights movement when members of the press were being figuratively gagged for their criticism of public officials. Thus, Brennan wrote in The New York Times versus Sullivan:

> We consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials. * * *
>
> A rule compelling the critic of official conduct to guarantee the truth of all his factual assertions—and to do so on pain of libel judgments virtually unlimited in amount—leads to a comparable ''self censorship.'' Allowance of the defense of truth, with the burden of proving it on the defendant, does not mean that only false speech will be deterred. * * *
>
> Under such a rule, would-be critics of official conduct may be deterred from voicing their criticism, even though it is believed to be true and even though it is in fact true, because of doubt whether it can be proved in court or fear of the expense of having to do so. They tend to make only statements which ''steer far wider of the unlawful zone.'' The rule thus dampens the vigor and limits the variety of public debate. It is inconsistent with the 1st and 14th Amendments.

In 1789, James Madison warned that, ''If we advert to the nature of republican government, we shall find that the censorial power is in the people over the government, and not in the government over the people.'' Exactly 200 years later, Brennan expanded this underlying premise of constitutionally protected forms of free expression in the case, Texas versus Johnson, 1989:

> If there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable. * * *
>
> There is, moreover, no indication—either in the text of the Constitution or in our cases interpreting it—that a separate juridical category exists for the American flag alone. Indeed, we would not be surprised to learn that the persons who framed our Constitution and wrote the amendment that we now construe were not known for their reverence for the Union Jack.
>
> The first amendment does not guarantee that other concepts virtually sacred to our Nation as a whole—such as the principle that discrimination on the basis of race is odious and destructive—will go unquestioned in the marketplace of ideas.
>
> We decline, therefore, to create for the flag an exception to the joust of principles protected by the First Amendment. * * *
>
> The way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong * * * We can imagine no more appropriate response to burning a flag than waving one's own. * * *

Justice Brennan came to embody the defense of a Madisonian concept of the first amendment. We shall not soon forget his legacy, nor the critical mantle he has left behind.

I ask unanimous consent that an Editoral from the New York Times of July 25, and an article by Anthony Lewis of July 28, be printed in the RECORD.

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

JUSTICE BRENNAN'S VISION

William J. Brennan Jr., who died yesterday at the age of 91, brought to his long and productive career on the United States Supreme Court a tenacious commitment to advancing individual rights and the Constitution's promise of fairness and equality. He served for 34 years, a tenure that spanned eight Presidents.

Named to the Court in 1956 by Dwight Eisenhower, Justice Brennan saw the law not as an abstraction but as an immensely powerful weapon to improve society and enlarge justice. As such, he was a crucial voice on

the Warren Court of the 1960's, a body that boldly expanded the role of the Federal courts and the Constitution itself to protect individual liberties.

Yet even when the Court shifted in a more conservative direction under Chief Justices Warren Burger and, later, William Rehnquist, Justice Brennan was not content to play a marginal role as an eloquent dissenter. Armed with a keen intellect, a forceful personality and a gift for building coalitions, he had surprising success in mustering narrow majorities to keep alive the legacy of the Warren Court and its core notion that the Constitution was a living document that could and should be interpreted aggressively.

''There is no individual in this country, on or off the Court, who has had a more profound and sustained impact upon public policy in the United States for the past 27 years,'' said an article in the conservative journal National Review in 1984, and it is hard to disagree with that assessment. Justice Brennan was the author of 1,350 opinions, many of them landmark rulings that altered the political and social landscape.

He left his mark on a wide range of issues. Banker v. Carr, in 1962, asserted the one-person-one-vote doctrine that transformed democracy and, through reapportionment, the composition of the nation's legislatures. His famous First Amendment ruling in New York Times v. Sullivan in 1964 reconfigured the law of libel to give ''breathing space'' for free expression and the robust debate of public issues. In Goldberg v. Kelly, a 1970 ruling of which he was particularly proud, Justice Brennan initiated what turned out to be a steady expansion of the 14th Amendment's guarantee of due process by ruling that a state could not terminate a welfare recipient's benefits without a hearing.

Over all, Justice Brennan's greatness was rooted in his vision of the law as a moral force and his understanding that the ''genius of the Constitution'' would be betrayed if the Court insisted on the narrow, static doctrine of original intent, the notion that the Constitution can best be interpreted through the eyes of the Framers. The unique feature of the Constitution, he argued instead, was ''the adaptability of its great principles to cope with current problems and needs.''

That vision and driving passion are not thriving in today's Court. Like Justice Brennan himself, they are sorely missed.

ABROAD AT HOME

(By Anthony Lewis)

REASON AND PASSION

MINNEAPOLIS.—William J. Brennan Jr. once said, in conversation, that every Supreme Court justice with whom he had served was as committed as he was to the Constitution. It was not just an idle remark. He meant that he respected his colleagues' faith in their differing understandings of what the Constitution requires.

Justice Brennan's extraordinary influence on the Court, his ability to shape majorities, was often ascribed to his personal charm and kindness. But those qualities would not have persuaded men and women of strong views. I think, rather, that his colleagues felt his respect for them—and felt in him an intellectual force that was the stronger because it was accompanied not by arrogance but by modesty.

Justice Brennan's character won him affection on the Court across ideological lines. Justice Antonin Scalia, calling him ''probably the most influential justice of the century,'' said. ''Even those who disagree with him the most love him.'' Justice David Souter, who was appointed to the Court on Justice Brennan's retirement in 1990, was pressed at his confirmation hearing to distance himself from the expansive Brennan view of human dignity and freedom. He said:

''Justice Brennan is going to be remembered as one of the most fearlessly principled guardians of the American Constitution that it has ever had and ever will have.''

Outside the Court, Justice Brennan's critics on the political right denounced him in extravagant terms, calling him an ''activist'' who invented constitutional protections of liberty. But even in their own terms those critics missed the point.

In the great decisions with which he is especially linked, Justice Brennan was passionately faithful to the principles that the Framers expressed in the spacious phrases of the Constitution: ''the freedom of speech,'' ''due process of law'' and the rest. What he did was to apply those principles to changed conditions.

Thus James Madison, drafter of the First Amendment, intended it to protect Americans' right to criticize their rulers—however harshly, even falsely. At the time, civil libel actions did not menace that freedom. But when Southern politicians began using libel, in the 1960's, as a way to threaten press reporting of the civil rights movement. Justice Brennan saw that libel suits, too, must conform to Madison's principle. That was the thrust of his majestic opinion in New York Times v. Sullivan.

Again, the courts over many years kept hands off the issue of legislative districting. But when state legislatures came to be controlled by small numbers of voters in rural districts, and the legislators in power refused to redistrict, Justice Brennan grasped the challenge to democracy. His remarkable opinion in Baker v. Carr in 1962—one that no other justice could have made the Court's—opened the way for a judicial scrutiny that is now universally accepted.

More broadly, Justice Brennan saw that the Constitution's guarantees must be applied to the reality of the vast expansion of government in modern times. In Goldberg v. Kelly in 1970, he wrote for the Court that government benefits—on which so many now depend—could not be withdrawn without notice and a hearing.

He ''translated from the level of principle to legal reality,'' Justice Stephen Breyer said, adding: ''That is an enormous contribution.''

We have a more conservative Supreme Court now, and it has overturned some of Justice Brennan's opinions. But the heart of his legacy remains. Part of that legacy is in the institution itself.

Here in Minneapolis the other day, at the Eighth Circuit Judicial Conference, Justice Clarence Thomas spoke movingly of the Court and Justice Brennan. ''I don't think there was a more decent or more brilliant human being,'' he said. He described how well the justices get along today despite their differences; he said he hoped Americans would get over ''the presumption that all is wrong with our institutions'' and realize that ''they are working and those in them deserve our respect.''

Justice Brennan left us his vision of American freedom. Just before his retirement he wrote the Court's opinion in the second flag-burning case. ''We are aware,'' he said, ''that desecration of the flag is deeply offensive to many.'' But ''punishing the desecration of the flag dilutes the very freedom that makes this emblem so revered, and worth revering.''

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED ''U.S. ARCTIC RESEARCH PLAN, BIENNIAL REVISION: 1998–2002''—MESSAGE FROM THE PRESIDENT—PM 57

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

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I transmit herewith the fifth biennial revision (1998–2002) to the United States Arctic Research Plan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 29, 1997.*

MESSAGES FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 103. An act to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

H.R. 1596. An act to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes.

H.R. 1855. An act to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries.

H.R. 1953. An act to clarify State authority to tax compensation paid to certain employees.

H.R. 2005. An act to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation incidents, and for other purposes.

H.R. 2209. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con Res. 74. Concurrent resolution concerning the situation between the Democratic People's Republic of Korea and the Republic of Korea.

H. Con. Res. 98. Concurrent resolution authorizing the use of the Capitol grounds for the SAFE KIDS Buckle Up Car Seat Safety Check.

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress regarding acts of illegal aggression by Canadian fishermen with respect to the Pacific salmon fishery, and for other purposes.

The message further announced that the House has passed the following bills, without amendment:

S. 430. An act to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.

S. 670. An act to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States.

The message also announced that pursuant to clause 6 of rule X, the Speaker announced the following modifications to the conference appointment to the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes:

Mr. MCKEON is added to the panel for the Committee on National Security to follow Mr. BARTLETT.

The first proviso to the panel from the Committee on Resources is stricken.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, and requests a conference with the Senate on the disagreeing votes of the two Houses thereon;

And appoints the following Members as the managers of the conference on the part of the Houses:

For the consideration of the House bills (except title XXI) and the Senate amendment, and modification committed to conference: Mr. GILMAN, Mr. LEACH, Mr. HYDE, Mr. BEREUTER, Mr. SMITH of New Jersey, Mr. HAMILTON, Mr. GEJDENSON, Mr. LANTOS, and Mr. BERMAN.

For the consideration of title XXI of the House bill, and modifications committed to conference: Mr. GILMAN, Mr. HYDE, Mr. SMITH of New Jersey, Mr. HAMILTON, and Mr. GEJDENSON.

At 5:33 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 75. Concurrent resolution expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals serving abbreviated sentences.

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

H.R. 1348. An act to amend title 28, United States Code, relating to war crimes.

H.R. 2266. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1348. An act to amend title 18, United States Code, relating to war crimes; to the Committee on the Judiciary.

H.R. 1596. An act to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

H.R. 1855. An act to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries; to the Committee on Commerce, Science, and Transportation.

H.R. 1953. An act to clarify State authority to tax compensation paid to certain employees; to the Committee on Governmental Affairs.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 74. Concurrent resolution concerning the situation between the Democratic People's Republic of Korea, and for other purposes; to the Committee on Foreign Relations.

H. Con Res. 75. Concurrent resolution expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals servicing abbreviated sentences; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following measures were read the first and second times by unanimous consent and placed on the calendar:

H Con. Res. 98. Concurrent resolution authorizing the use of the Capitol Grounds for the SAFE KIDS Buckle Up Car Seat Safety Check.

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress regarding acts of illegal aggression by Canadian fishermen with respect to the Pacific salmon fishery, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2617. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a rule regarding debt collection received on July 23, 1997; to the Committee on Finance.

EC–2618. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97–31 received on July 22, 1997; to the Committee on Finance.

EC–2619. A communication from the Assistant Commissioner (Examination), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Maquiladora Industry Coordinated Issue Revision'' received on July 23, 1997; to the Committee on Finance.

EC–2620. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on July 21, 1997; to the Committee on Finance.

EC–2621. A communication from the National Director, Tax Forms and Publications Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report relative to Revenue Procedure 97–32 received on July 22, 1997; to the Committee on Finance.

EC–2622. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to agricultural quarantine and inspection services (RIN0579–AA81), received on July 24, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2623. A communication from the Administrator, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to building grants program (RIN0524–AA03), received on July 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2624. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to limited ports, received on July 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2625. A communication from the Administrator, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to Higher Education Challenge Grants Program (RIN0524–AA02), received July 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2626. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to popcorn promotion, received on July 23, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2627. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to Federal milk orders, received on July 23, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2628. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to sheep promotion, research, and information, received on July 23, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2629. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to brucellosis in cattle, received on July 22, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2630. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to onions grown in south Texas, received on July 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2631. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to almonds grown in California, received on July 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2632. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to amending the marketing order of almonds in California on July 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2633. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Farm Credit Administration's report for calendar year 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2634. A communication from the Administrator, Farm Service Agency, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to Inventory Property Management Provisions (RIN0560–AE88); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2635. A communication from the Secretary of Agriculture, transmitting, pursuant to law, framework for hiring welfare recipients; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2636. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to soybean promotion and research, received on July 15, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2637. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to farm labor housing loans; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2638. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a report of four rules including one relative to sodium salt of aciflourfen, received on July 24, 1997 to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. INOUYE:

S. 1078. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 1079. A bill to permit the leasing of mineral rights, in any case in which the Indian owners of an allotment that is located within the boundaries of the Fort Berthold Indian Reservation and held trust by the United States have executed leases to more than 50 percent of the mineral estate of that allotment; to the Committee on Indian Affairs.

By Mr. AKAKA (for himself, Mr. CRAIG, Mr. LEAHY, and Mr. DASCHLE):

S. 1080. A bill to amend the National Aquaculture Act of 1980 to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1081. A bill to enhance the rights and protections for victims of crime; to the Committee on the Judiciary.

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

S. 1082. A bill to authorize appropriations to pay for United States contributions to certain international financial institutions; to the Committee on Foreign Relations.

By Mr. MACK (for himself, Mr. HUTCHINSON, and Mr. ASHCROFT):

S. 1083. A bill to provide structure for and introduce balance into a policy of meaningful engagement with the People's Republic of China; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself and Mr. BREAUX):

S. 1084. A bill to establish a researh and monitoring program for the national ambient air quality standards for ozone and particulate matter and to reinstate the original standards under the Clean Air Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WELLSTONE:

S. 1085. A bill to improve the management of the Boundary Waters Canoe Area Wilderness, and for other purposes; read the first time.

By Mr. HELMS:

S. 1086. A bill to support the autonomous governance of Hong Kong after its reversion to the People's Republic of China; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. GLENN:

S. Con. Res. 45. Concurrent resolution commending Dr. Hans Blix for his distinguished service as Director General of the International Atomic Energy Agency on the occasion of his retirement; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE:

S. 1078. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

THE GUAM WAR RESTITUTION ACT

Mr. INOUYE. Mr. President, for nearly 3 years, the people of Guam endured war time atrocities and suffering. As part of Japan's assault against the Pacific, Guam was bombed and invaded by Japanese forces within 3 days of the infamous attack on Pearl Harbor. At that time, Guam was administered by the United States Navy under the authority of a Presidential Executive order. It was also populated by then American nationals. For the first time since the War of 1812, a foreign power invaded United States soil.

In 1952, when the United States signed a peace treaty with Japan, formally ending World War II, it waived the rights of American nationals, including those of Guamanians, to present claims against Japan. As a result of this action, American nationals were forced to seek relief from the Congress of the United States.

Today, I rise to introduce the Guam War Restitution Act, which would amend the Organic Act of Guam and provide restitution to those who suffered atrocities during the occupation of Guam in World War II. There are several key components to this measure.

The Restitution Act would establish specific damage awards to those who are survivors of the war, and to the heirs of those who died during the war. The specific damage awards would be as follows: First, $20,000 for death; second, $7,000 for personal injury; and third, $5,000 for forced labor, forced march, or internment.

The Restitution Act would also establish specific damage benefits to the heirs of those who survived the war, who made previous claims but have since died. The specific damage benefits would be as follows: First, $7,000 for personal injury; and second, $5,000 for forced labor, forced march, or internment. Payments for benefits may either be in the form of a scholarship, payment of medical expenses, or a grant for first-time home ownership.

This act would also establish a Guam trust fund from which disbursements will be made. Any amount left over in the Fund would be used to establish the Guam World War II Loyalty Scholarships at the University of Guam.

A nine-member Guam Trust Fund Commission would be established to adjudicate and award all claims from the Trust Fund.

The United States Congress previously recognized its moral obligation to the people of Guam and provided reparations relief by enacting the Guam Meritorious Claims Act on November 15, 1945 (Public Law 79–224). Unfortunately, the Claims Act was seriously flawed and did not adequately compensate Guam after World War II.

The Claims Act primarily covered compensation for property damage and limited compensation for death or personal injury. Claims for forced labor, forced march, and internment were never compensated because the Claims Act excluded these from awardable injuries. The enactment of the Claims Act was intended to make Guam whole. The Claims Act, however, failed to specify postwar values as a basis for computing awards, and settled on prewar values, which did not reflect the

true postwar replacement costs. Also, all property damage claims in excess of $5,000, as well as all death and injury claims, required congressional review and approval. This action caused many eligible claimants to settle for less in order to receive timely compensation. The Claims Act also imposed a 1-year time limit to file claims, which was insufficient as massive disruptions still existed following Guam's liberation. In addition, English was then a second language to a great many Guamanians. While a large number spoke English, few could read it. This is particularly important since the Land and War Claims Commission required written statements and often communicated with claimants in writing.

The reparations program was also inadequate because it became secondary to overall reconstruction and the building of permanent military bases. In this regard, the Congress enacted the Guam Land Transfer Act and the Guam Rehabilitation Act (Public Laws 79–225 and 79–583) as a means of rehabilitating Guam. The Guam Land Transfer Act provided the means of exchanging excess Federal land for resettlement purposes, and the Guam Rehabilitation Act appropriated $6 million to construct permanent facilities for the civic populace of the island for their economic rehabilitation.

Approximately $8.1 million was paid to 4,356 recipients under the Guam Meritorious Claims Act. Of this amount, $4.3 million was paid to 1,243 individuals for death, injury, and property damage in excess of $5,000, and $3.8 million to 3,113 recipients for property damage below $5,000.

On June 3, 1947, former Secretary of the Interior Harold Ickes testified before the House Committee on Public Lands relative to the Organic Act, and strongly criticized the Department of the Navy for their ''inefficient and even brutal handling of the rehabilitation and compensation and war damage tasks.'' Secretary Ickes termed the procedures as shameful results.

In addition, a committee known as the Hopkins Committee was established by former Secretary of the Navy James Forrestal in 1947 to assess the Navy's administration of Guam and American Samoa. An analysis of the Navy's administration of the reparation and rehabilitation programs was provided to Secretary Forrestal in a March 25, 1947 letter from the Hopkins Committee. The letter indicated that the Department's confusing policy decisions greatly contributed to the programs' deficiencies and called upon the Congress to pass legislation to correct its mistakes and provide reparations to the people of Guam.

In 1948, the United States Congress enacted the War Claims Act of 1948 (Public Law 80–896), which provided reparation relief to American prisoners of war, internees, religious organizations, and employees of defense contractors. The residents of Guam were deemed ineligible to receive reparations under this Act because they were American nationals and not American citizens. In 1950, the United States Congress enacted the Guam Organic Act (81–630), granting Guamanians American citizenship and a measure of self-government.

The Congress, in 1962, amended the War Claims Act to provide for claimants who were nationals at the time of the war and who became citizens. Again, the residents of Guam were specifically excluded. The Congress believed that the residents of Guam were provided for under the Guam Meritorious Claims Act. At that time, there was no one to defend Guam, as they had no representation in Congress. The Congress also enacted the Micronesian Claims Act for the Trust Territory of the Pacific Islands, but again excluded Guam in the settlement.

In 1988, the now inactive Guam War Reparations Commission documented 3,365 unresolved claims. There are potentially 5,000 additional unresolved claims. In 1946, the United States provided over $390 million in reparations to the Philippines, and over $10 million to the Micronesian Islands in 1971 for atrocities inflicted by Japan. In addition, the United States provided over $2 billion in postwar aid to Japan from 1946 to 1951. Further, the United States government liquidated over $84 million in Japanese assets in the United States during the war for the specific purpose of compensating claims of its citizens and nationals. The United States did not invoke its authority to seize more assets from Japan under Article 14 of the Treaty of Peace, as other Allied Powers had done. The United States, however, did close the door on the claims of the people of Guam.

A companion measure to my bill, H.R. 2200, was introduced in the House of Representatives by Representative ROBERT UNDERWOOD. The issue of reparations for Guam is not a new one for the people of Guam and for the United States Congress. It has been consistently raised by the Guamanian government through local enactments of legislative bills and resolutions, and discussed with congressional leaders over the years.

The Guam War Restitution Act cannot fully compensate or erase the atrocities inflicted upon Guam and its people during the occupation by the Japanese military. However, passage of this Act would recognize our Government's moral obligation to Guam, and bring justice to the people of Guam for the atrocities and suffering they endured during World War II. I urge my colleagues to support this measure.

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

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

S. 1078

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 ''Guam War Restitution Act''.

SEC. 2. AMENDMENT TO ORGANIC ACT OF GUAM TO PROVIDE RESTITUTION.

The Organic Act of Guam (48 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

''SEC. 35. RECOGNITION OF DEMONSTRATED LOYALTY OF GUAM TO UNITED STATES, AND SUFFERING AND DEPRIVATION ARISING THEREFROM, DURING WORLD WAR II.

''(a) DEFINITIONS.—For purposes of this section:

''(1) AWARD.—The term 'award' means the amount of compensation payable under subsection (d)(2).

''(2) BENEFIT.—The term 'benefit' means the amount of compensation payable under subsection (d)(3).

''(3) COMMISSION.—The term 'Commission' means the Guam Trust Fund Commission established by subsection (f).

''(4) COMPENSABLE INJURY.—The term 'compensable injury' means one of the following three categories of injury incurred during and as a result of World War II:

''(A) Death.

''(B) Personal injury (as defined by the Commission).

''(C) Forced labor, forced march, or internment.

''(5) GUAMANIAN.—The term 'Guamanian' means any person who—

''(A) resided in the territory of Guam during any portion of the period beginning on December 8, 1941, and ending on August 10, 1944, and

''(B) was a United States citizen or national during such portion.

''(6) PROOF.—The term 'proof' relative to compensable injury means any one of the following, if determined by the Commission to be valid:

''(A) An affidavit by a witness to such compensable injury;

''(B) A statement, attesting to compensable injury, which is—

''(i) offered as oral history collected for academic, historic preservation, or journalistic purposes;

''(ii) made before a committee of the Guam legislature;

''(iii) made in support of a claim filed with the Guam War Reparations Commission;

''(iv) filed with a private Guam war claims advocate; or

''(v) made in a claim pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582).

''(7) TRUST FUND.—The term 'Trust Fund' means the Guam Trust Fund established by subsection (e).

''(b) REQUIREMENTS FOR CLAIMS AND GENERAL DUTIES OF COMMISSION—

''(1) REQUIRED INFORMATION FOR CLAIMS.—Each claim for an award or benefit under this section shall be made under oath and shall include—

''(A) the name and age of the claimant;

''(B) the village in which the individual who suffered the compensable injury which is the basis for the claim resided at the time the compensable injury occurred;

''(C) the approximate date or dates on which the compensable injury occurred;

''(D) a brief description of the compensable injury which is the basis for the claim;

''(E) the circumstances leading up to the compensable injury; and

''(F) in the case of a claim for a benefit, proof of the relationship of the claimant to the relevant decedent.

''(2) GENERAL DUTIES OF THE COMMISSION TO PROCESS CLAIMS.—With respect to each claim filed under this section, the Commission

shall determine whether the claimant is eligible for an award or benefit under this section and, if so, shall certify the claim for payment in accordance with subsection (d).

''(3) TIME LIMITATION.—With respect to each claim submitted under this section, the Commission shall act expeditiously, but in no event later than 1 year after the receipt of the claim by the Commission, to fulfill the requirements of paragraph (2) regarding the claim.

''(4) DIRECT RECEIPT OF PROOF FROM PUBLIC CLAIMS FILES PERMITTED.—The Commission may receive proof of a compensable injury directly from the Governor of Guam, or the Federal custodian of an original claim filed with respect to the injury pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582), if such proof is contained in the respective public records of the Governor or the custodian.

''(c) ELIGIBILITY.—

''(1) ELIGIBILITY FOR AWARDS.—A claimant shall be eligible for an award under this section if the claimant meets each of the following criteria:

''(A) The claimant is—

''(i) a living Guamanian who personally received the compensable injury that is the basis for the claim, or

''(ii) the heir or next of kin of a decedent Guamanian, in the case of a claim with respect to which the compensable injury is death.

''(B) The claimant meets the requirements of paragraph (3).

''(2) ELIGIBILITY FOR BENEFITS.—A claimant shall be eligible for a benefit under this section if the claimant meets each of the following criteria:

''(A) The claimant is the heir or next of kin of a decedent Guamanian who personally received the compensable injury that is the basis for the claim, and the claim is made with respect to a compensable injury other than death.

''(B) The claimant meets the requirements of paragraph (3).

''(3) GENERAL REQUIREMENTS FOR ELIGIBILITY.—A claimant meets the requirements of this paragraph if the claimant meets each of the following criteria:

''(A) The claimant files a claim with the Commission regarding a compensable injury and containing all of the information required by subsection (b)(1).

''(B) The claimant furnishes proof of the compensable injury.

''(C) By such procedures as the Commission may prescribe, the claimant files a claim under this section not later than 1 year after the date of the appointment of the ninth member of the Commission.

''(4) LIMITATION ON ELIGIBILITY FOR AWARDS AND BENEFITS—

''(A) AWARDS.—

''(i) No claimant may receive more than 1 award under this section and not more than 1 award may be paid under this section with respect to each decedent described in paragraph (1)(A)(ii).

''(ii) Each award shall consist of only 1 of the amounts referred to in subsection (d)(2).

''(B) BENEFITS.—

''(i) Not more than 1 benefit may be paid under this Act with respect to each decedent described in paragraph (2)(A).

''(ii) Each benefit shall consist of only 1 of the amounts referred to in subsection (d)(3).

''(d) PAYMENTS.—

''(1) CERTIFICATION.—The Commission shall certify for payment all awards and benefits that the Commission determines are payable under this section.

''(2) AWARDS.—The Commission shall pay from the Trust Fund 1 of the following amounts as an award for each claim with respect to which a claimant is determined to be eligible under subsection (c)(1):

''(A) $20,000 if the claim is based on death.

''(B) $7,000 if the claim is based on personal injury.

''(C) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

''(3) BENEFITS.—The Commission shall pay from the Trust Fund 1 of the following amounts as a benefit with respect to each claim for which a claimant is determined eligible under subsection (c)(2):

''(A) $7,000 if the claim is based on personal injury.

''(B) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

''(4) REDUCTION OF AMOUNT TO COORDINATE WITH PREVIOUS CLAIMS.—The amount required to be paid under paragraph (2) or (3) for a claim with respect to any Guamanian shall be reduced by any amount paid under the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582) with respect to such Guamanian.

''(5) FORM OF PAYMENT.—

''(A) AWARDS.—In the case of a claim for an award, payment under this subsection shall be made in cash to the claimant, except as provided in paragraph (6).

''(B) BENEFITS.—In the case of a claim for a benefit—

''(i) IN GENERAL.—Payment under this subsection shall consist of—

''(I) provision of a scholarship;

''(II) payment of medical expenses; or

''(III) a grant for first-time home ownership.

''(ii) METHOD OF PAYMENT.—Payment of cash under this subsection may not be made directly to a claimant, but may be made to a service provider, seller of goods or services, or other person in order to provide to a claimant (or other person, as provided in paragraph (6)) a benefit referred to in subparagraph (B).

''(C) DEVELOPMENT OF PROCEDURES.—The Commission shall develop and implement procedures to carry out this paragraph.

''(6) PAYMENTS ON CLAIMS WITH RESPECT TO SAME DECEDENT.—

''(A) AWARDS.—In the case of a claim based on the compensable injury of death, payment of an award under this section shall be divided, as provided in the probate laws of Guam, among the heirs or next of kin of the decedent who file claims for such division by such procedures as the Commission may prescribe.

''(B) INDIVIDUALS PROVING CONSANGUINITY WITH CLAIMANTS FOR BENEFITS.—Each individual who proves consanguinity with a claimant who has met each of the criteria specified in subsection (c)(2) shall be entitled to receive an equal share of the benefit accruing under this section with respect to the claim of such claimant if the individual files a claim with the Commission by such procedures as the Commission may prescribe.

''(7) ORDER OF PAYMENTS.—The Commission shall endeavor to make payments under this section with respect to awards before making such payments with respect to benefits and, when making payments with respect to awards or benefits, respectively, to make payments to eligible individuals in the order of date of birth (the oldest individual on the date of the enactment of this Act, or if applicable, the survivors of that individual, receiving payment first) until all eligible individuals have received payment in full.

''(8) REFUSAL TO ACCEPT PAYMENT.—If a claimant refuses to accept a payment made or offered under paragraph (2) or (3) with respect to a claim filed under this section—

''(A) the amount of the refused payment, if withdrawn from the Trust Fund for purposes of making the payment, shall be returned to the Trust Fund; and

''(B) no payment may be made under this section to such claimant at any future date with respect to the claim.

''(9) CLARIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.—Awards paid to eligible claimants—

''(A) shall be treated for purposes of the internal revenue laws of the United States as damages received on account of personal injuries or sickness; and

''(B) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

''(e) GUAM TRUST FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Guam Trust Fund, which shall be administered by the Secretary of the Treasury.

''(2) INVESTMENTS.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code.

''(3) USES.—Amounts in the Trust Fund shall be available only for disbursement by the Commission in accordance with subsection (f).

''(4) DISPOSITION OF FUNDS UPON TERMINATION.—If all of the amounts in the Trust Fund have not been obligated or expended by the date of the termination of the Commission, investments of amounts in the Trust Fund shall be liquidated, the receipts of such liquidation shall be deposited in the Trust Fund, and any unobligated funds remaining in the Trust Fund shall be given to the University of Guam, with the conditions that—

''(A) the funds are invested as described in paragraph (2);

''(B) the funds are used for scholarships to be known as Guam World War II Loyalty Scholarships, for claimants described in paragraph (1) or (2) of subsection (c) or in subsection (d)(6), or for such scholarships for the descendants of such claimants; and

''(C) as the University determines appropriate, the University shall endeavor to award the scholarships referred to in subparagraph (B) in a manner that permits the award of the largest possible number of scholarships over the longest possible period of time.

''(f) GUAM TRUST FUND COMMISSION.—

''(1) ESTABLISHMENT.—There is established the Guam Trust Fund Commission, which shall be responsible for making disbursements from the Guam Trust Fund in the manner provided in this section.

''(2) USE OF GUAM TRUST FUND.—The Commission may make disbursements from the Guam Trust Fund only for the following uses:

''(A) To make payments, under subsection (d), of awards and benefits.

''(B) To sponsor research and public educational activities so that the events surrounding the wartime experiences and losses of the Guamanian people will be remembered, and so that the causes and circumstances of this event and similar events may be illuminated and understood.

''(C) To pay reasonable administrative expenses of the Commission, including expenses incurred under paragraphs (3)(C), (4), and (5).

''(3) MEMBERSHIP.—

''(A) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members who are not officers or employees of the United States Government and who are appointed by the President from recommendations made by the Governor of Guam.

''(B) TERMS.—

''(i) Initial members of the Commission shall be appointed for initial terms of 3 years, and subsequent terms shall be of a

length determined pursuant to subparagraph (F).

''(ii) Any member of the Commission who is appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

''(C) PROHIBITION OF COMPENSATION OTHER THAN EXPENSES.—Members of the Commission shall serve without pay as such, except that members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Commission in the same manner that persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5, United States Code.

''(D) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

''(E) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission.

''(F) SUBSEQUENT APPOINTMENTS.—

''(i) Upon the expiration of the term of each member of the Commission, the President shall reappoint the member (or appoint another individual to replace the member) if the President determines, after consideration of the reports submitted to the President by the Commission under this section, that there are sufficient funds in the Trust Fund for the present and future administrative costs of the Commission and for the payment of further awards and benefits for which claims have been or may be filed under this title.

''(ii) Members appointed under clause (i) shall be appointed for a term of a length that the President determines to be appropriate, but the length of such term shall not exceed 3 years.

''(4) STAFF AND SERVICES.—

''(A) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission.

''(B) ADDITIONAL STAFF.—The Commission may appoint and fix the pay of such additional staff as it may require.

''(C) INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.—The Director and the additional staff of the Commission may be appointed without regard to section 5311 of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may 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, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the minimum rate of basic pay payable for GS–15 of the General Schedule under section 5332(a) of such title.

''(D) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

''(5) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of funds, services, or property for uses referred to in paragraph (2). The Commission may deposit such gifts or donations, or the proceeds from such gifts or donations, into the Trust Fund.

''(6) TERMINATION.—The Commission shall terminate on the earlier of—

''(A) the expiration of the 6-year period beginning on the date of the appointment of the first member of the Commission; or

''(B) the date on which the Commission submits to the Congress a certification that all claims certified for payment under this section are paid in full and no further claims are expected to be so certified.

''(g) NOTICE.—Not later than 90 days after the appointment of the ninth member of the Commission, the Commission shall give public notice in the territory of Guam and such other places as the Commission deems appropriate of the time limitation within which claims may be filed under this section. The Commission shall ensure that the provisions of this section are widely published in the territory of Guam and such other places as the Commission deems appropriate, and the Commission shall make every effort both to advise promptly all individuals who may be entitled to file claims under the provisions of this title and to assist such individuals in the preparation and filing of their claims.

''(h) REPORTS.—

''(1) COMPENSATION AND CLAIMS.—Not later than 12 months after the formation of the Commission, and each year thereafter for which the Commission is in existence, the Commission shall submit to the Congress, the President, and the Governor of Guam a report containing a determination of the specific amount of compensation necessary to fully carry out this section, the expected amount of receipts to the Trust Fund, and all payments made by the Commission under this section. The report shall also include, with respect to the year which the report concerns—

''(A) a list of all claims, categorized by compensable injury, which were determined to be eligible for an award or benefit under this section, and a list of all claims, categorized by compensable injury, which were certified for payment under this section; and

''(B) a list of all claims, categorized by compensable injury, which were determined not to be eligible for an award or benefit under this section, and a brief explanation of the reason therefor.

''(2) ANNUAL OPERATIONS AND STATUS OF TRUST FUND.—Beginning with the first full fiscal year ending after submission of the first report required by paragraph (1), and annually thereafter with respect to each fiscal year in which the Commission is in existence, the Commission shall submit a report to Congress, the President, and the Governor of Guam concerning the operations of the Commission under this section and the status of the Trust Fund. Each such report shall be submitted not later than January 15th of the first calendar year beginning after the end of the fiscal year which the report concerns.

''(3) FINAL AWARD REPORT.—After all awards have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

''(A) the total amount of compensation paid as awards under this section, broken down by category of compensable injury; and

''(B) the status of the Trust Fund and the amount of any existing balance thereof.

''(4) FINAL BENEFITS REPORT.—After all benefits have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

''(A) the total amount of compensation paid as benefits under this section, broken down by category of compensable injury; and

''(B) the final status of the Trust Fund and the amount of any existing balance thereof.

''(i) LIMITATION OF AGENT AND ATTORNEY FEES.—It shall be unlawful for an amount exceeding 5 percent of any payment required by this section with respect to an award or benefit to be paid to or received by any agent or attorney for any service rendered in connection with the payment. Any person who violates this section shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

''(j) DISCLAIMER.—No provision of this section shall constitute an obligation for the United States to pay any claim arising out of war. The compensation provided in this section is ex gratia in nature and intended solely as a means of recognizing the demonstrated loyalty of the people of Guam to the United States, and the suffering and deprivation arising therefrom, during World War II.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, from sums appropriated to the Department of the Interior, such sums as may be necessary to carry out this section, including the administrative responsibilities of the Commission for the 36-month period beginning on the date of the appointment of the ninth member of the Commission. Amounts appropriated pursuant to this section are authorized to remain available until expended.''.

SEC. 3. RECOMMENDATION OF FUNDING MEASURES.

Not later than 1 year after the date of the submission of the first report submitted under section 35(h)(1) of the Organic Act of Guam (as added by section 2 of this Act), the President shall submit to the Congress a list of recommended spending cuts or other measures which, if implemented, would generate sufficient savings or income, during the first 5 fiscal years beginning after the date of the submission of such list, to provide the amount of compensation necessary to fully carry out this section (as determined in such first report).

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 1079. A bill to permit the leasing of mineral rights, in any case in which the Indian owners of an allotment that is located within the boundaries of the Fort Berthold Indian Reservation and held trust by the United States have executed leases to more than 50 percent of the mineral estate of that allotment; to the Committee on Indian Affairs.

OIL AND GAS DEVELOPMENT AT FORT BERTHOLD RESERVATION LEGISLATION

Mr. DORGAN. Mr. President, today I am introducing legislation, along with my good friend and colleague Mr. CONRAD. that will promote economic development on the Fort Berthold Indian Reservation in our State.

Economic development must be among our top priorities in Indian country, and our Federal policies should support, not hinder, the creation of new employment opportunities on our Nation's Indian reservations. This bill is aimed at addressing a provision in Federal law that is unnecessarily hampering the economic development efforts of Three Affiliated Tribes in North Dakota and has the support of the Tribes' Business Council.

The Fort Berthold Indian Reservation has been working for years to develop partnerships with the oil industry to explore the development of oil and gas resources on its tribally owned or allotted lands. The Fort Berthold Reservation covers about 1 million acres of land in the middle of the proven oil-rich Williston Basin. There has been active oil and gas exploration and

development on the lands surrounding the reservation, but Three Affiliated Tribes itself and its members have been able to participate in this activity in only a very limited way because of a Federal requirement that 100 percent of all tribal members with ownership in an allotment agree to the leasing of that allotment. Some of the allotted land tracts on this reservation are owned by up to 200 individuals, and if even one of these owners will not sign the lease, the exploration cannot proceed. This outmoded 100-percent requirement makes it virtually impossible for tribes and its members to pursue this kind of economic development, even if a vast majority of allottees are supportive.

This legislation, which is narrowly drawn and applies only to the Fort Berthold Reservation, would allow a leasing agreement to go forward if more than 50 percent of those with an interest in specific allotted lands agree. By keeping in place a majority requirement for the leasing of mineral rights, the rights of individual landowners would still be protected. The Secretary of the Interior would also still have to review and approve a proposed leasing agreement.

The economic implications of this legislation for Three Affiliated Tribes are enormous. The drilling of just 1 well would create 50 to 100 jobs, so clearly, this bill can help the Indian people on Fort Berthold Reservation to move away from welfare dependency to economic independence. I look forward to working with my colleagues to enact this legislation.

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

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

S. 1079

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

SECTION 1. LEASES OF ALLOTTED LANDS OF THE FORT BERTHOLD INDIAN RESERVATION.

(a) IN GENERAL.—

(1) APPROVAL BY SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Notwithstanding any other provision of law (including the Act of March 3, 1909 (35 Stat. 783, chapter 263; 25 U.S.C. 396) and the regulations issued under that Act), the Secretary of the Interior or a designee of the Secretary may approve mineral leases of an allotment described in paragraph (2) in any case in which the Indian owners of that allotment have executed leases to more than 50 percent of the mineral estate of that allotment.

(B) BENEFITS OF LEASES.—At such time as mineral leases on an allotment have been approved for all Indian ownership interests pursuant to this section, all Indian owners of the allotment shall be entitled to the benefits of the leases.

(2) ALLOTMENTS.—An allotment described in this paragraph is an allotment that—

(A) is located in the Fort Berthold Indian Reservation, North Dakota; and

(B) is held in trust by the United States.

(b) RULES OF CONSTRUCTION.—This Act supersedes the Act of March 3, 1909 (35 Stat. 783, chapter 263; 25 U.S.C. 396) only to the extent provided in subsection (a).

Mr. CONRAD. Mr. President, I am pleased to introduce, along with my distinguished colleague from North Dakota, legislation to increase opportunities for oil and gas leasing on the Fort Berthold Indian Reservation in North Dakota.

Mr. President, as a member of the Senate Select Committee on Indian Affairs, I understand the importance of increasing economic development in Indian country, in particular, development that creates high-paying, skilled employment. Members of the Three Affiliated Tribes at Fort Berthold have been working on a plan to create jobs and increase revenue through oil and gas development on the Fort Berthold Reservation, which lies within the oil-rich Williston Basin.

At present, there are only seven oil producing wells on land owned by the Three Affiliated Tribes or tribal members. The Tribal Business Council is considering possibilities for development of oil and gas reserves of its tribally owned land and allotted lands of its members and is pursuing approval by the Bureau of Indian Affairs of an exploration and development agreement under the Mineral Development Act.

The fractionated ownership of allotted lands complicates the leasing and exploration process. The Bureau must approve tribal oil and gas leases, and in order for the Bureau to approve a lease of Indian lands, all who have an interest in the land must agree to the particular oil and gas lease. The number of people who have an undivided interest in various land allotments grows larger each year and now involves hundreds of people. Thus, for an oil and gas exploration to commence, hundreds of oil and gas leases for small allotments of land would have to be executed. If any one person with an interest—no matter how small—in the land objects, the lease agreement would fail. Present law creates a nearly insurmountable barrier to this type of oil and gas development, even in the face of overwhelming support by allotted landowners.

The legislation we are introducing today—which applies only to the Fort Berthold Indian Reservation—would allow an oil and gas lease to become effective if those individual owners of 50 percent or more of the interests in a particular tract of mineral acres agree to the lease. The bill also includes safeguards to ensure that all Indian owners of the allotments are entitled to the benefits of the leases.

This legislation is an important step for oil and gas development on the Fort Berthold Indian Reservation; it is supported by the Tribal Business Council of the Three Affiliated Tribes. I believe the bill can also serve as a model for addressing other problems in Indian country that have arisen as a result of fractionated heirship, and a first step toward a more comprehensive solution.

By Mr. AKAKA (for himself, Mr. CRAIG, Mr. LEAHY and Mr. DASCHLE):

S. 1080. A bill to amend the National Aquaculture Act of 1980 to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE NATIONAL AQUACULTURE DEVELOPMENT, RESEARCH, AND PROMOTION ACT

Mr. AKAKA. Mr. President, today I am introducing the National Aquaculture Development, Research, and Promotion Act. Senators CRAIG, LEAHY, and DASCHLE have joined me in introducing the bill.

This legislation is not merely a reauthorization of an expiring law. It will help establish a coordinated national aquaculture policy. It will stimulate the fastest growing segment of U.S. agriculture.

The ever-growing demand for fish and fish products is a driving force behind the decline of our fisheries. Aquaculture can help satisfy demand for fishery products and, at the same time, reduce pressure on wild stocks. The bill will also provide a framework for sustainable aquaculture development by encouraging best management practices for aquaculture at the State level.

The National Aquaculture Development, Research, and Promotion Act addresses the most pressing needs of aquaculture farmers, such as research, aquacultural credit, and production and market data.

For too long aquaculture farmers have suffered from the absence of a consistent and unified Federal policy to aid the development of aquaculture. My bill promotes policies to allow our country to become more competitive in the expanding global market for aquaculture products.

The world market for aquaculture is vast, and the United States has the potential to lead future aquaculture production and technology. Efforts to expand the U.S. aquaculture industry will not go unrewarded. The United States imports 60 percent of its seafood, which results in a $3.5 billion annual trade deficit for fish products. Reducing our seafood trade deficit by one-third through expanded aquaculture production would create 25,000 new jobs.

World production of aquaculture in 1995 was 21,300,000 metric tons. The U.S. contributed less than 3 percent to world output, however.

With global seafood demand projected to increase 70 percent by 2025, and harvests from capture fisheries stable or declining, aquaculture production will have to increase by 700 percent, a total of 77 million metric tons annually, to meet future demand. The important question is whether U.S. aquaculture will share in this explosive growth.

This bill is about creating jobs, expanding food production, and achieving sustainable aquaculture development. America has outstanding institutions for conducting aquaculture research. A coordinated effort, with appropriate Federal support, can advance aquaculture development and promote significant economic growth. Aquaculture has an important advantage because it can be conducted successfully on lands that are marginal for other forms of agriculture.

Aquaculture is a diverse industry that affects all regions of the country. More than 30 States produce at least two dozen commercially important aquaculture species. Yet the United States ranks 9th among nations in the value of its production. China, Japan, India, Indonesia, Norway, Thailand, and Korea all enjoy a larger share of the global aquaculture market. In addressing the problem of our balance of trade, aquaculture can be part of the solution.

Nowhere is the opportunity for aquaculture more promising than in Hawaii. We have a skilled labor force, access to Asian and North American markets, a climate that allows harvesting throughout the year, and a 1500-year tradition of aquaculture farming.

Aquaculture supports more jobs per acre than other forms of agriculture, so it can strengthen our employment base at a time when other areas of Hawaiian agriculture are declining. Our tradition of aquaculture that operates in harmony with the environment will help assure that its growth and development is sustainable.

However, the legislation I have introduced today was not designed merely to promote aquaculture in Hawaii. The bill was drafted with one basic principle in mind: to assist all segments of the aquaculture industry equally. It would be wrong to promote one segment of the industry, whether it is marine or freshwater aquaculture, or a particular species of fish or shellfish, over another.

The United States can be a world leader in aquaculture in the same way that it leads in agriculture. This bill is an important step in achieving that goal.

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

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

S. 1080

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aquaculture Development, Research, and Promotion Act of 1997''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.
Sec. 4. National aquaculture development plan.
Sec. 5. National Aquaculture Information Center.
Sec. 6. Coordination with the aquaculture industry.
Sec. 7. Aquaculture commercialization research.
Sec. 8. National policy for private aquaculture.
Sec. 9. Authorization of appropriations.
Sec. 10. Eligibility of aquaculture farmers for farm credit assistance.
Sec. 11. International aquaculture information and data collection.
Sec. 12. Aquaculture information network report.
Sec. 13. Implementation report.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2 of the National Aquaculture Act of 1980 (16 U.S.C. 2801) is amended by striking subsection (a) and inserting the following:

''(a) FINDINGS.—Congress finds the following:

''(1)(A) The wild harvest or capture of certain seafood species exceeds levels of optimum sustainable yield, thereby making it more difficult to meet the increasing demand for aquatic food.

''(B) The Food and Agriculture Organization of the United Nations has identified aquaculture as one of the world's fastest growing food production activities.

''(C) The world production of aquaculture doubled from 10,000,000 metric tons in 1984 to 21,300,000 metric tons in 1995, with a value of approximately $40,000,000,000.

''(D) The United States produced 666,000,000 pounds of aquaculture products in 1994, less than 3 percent of the world output.

''(E) The United States is a major importer of aquaculture products.

''(2)(A) To satisfy the domestic market for aquatic food, the United States imports more than 59 percent of its seafood.

''(B) This dependence on imports adversely affects the national balance of payments and contributes to the uncertainty of supplies and product quality.

''(3)(A) Although aquaculture currently contributes approximately 17 percent by weight of world seafood production, less than 9 percent by weight of current United States seafood production results from aquaculture.

''(B) As a result, domestic aquaculture production has the potential for significant growth.

''(4) Aquaculture production of aquatic animals and plants is a source of food, industrial materials, pharmaceuticals, energy, and aesthetic enjoyment, and can assist in the control and abatement of pollution.

''(5) The rehabilitation and enhancement of fish and shellfish resources are desirable applications of aquaculture technology.

''(6) The principal responsibility for the development of aquaculture in the United States must rest with the private sector.

''(7) Despite its potential, the development of aquaculture in the United States has been inhibited by many scientific, economic, legal, and production factors, such as—

''(A) inadequate credit;

''(B) limited research and development and demonstration programs;

''(C) diffused legal jurisdiction;

''(D) inconsistent interpretations between Federal agencies;

''(E) the lack of management information;

''(F) the lack of supportive policies of the Federal Government;

''(G) the lack of therapeutic compounds for treatment of the diseases of aquatic animals and plants;

''(H) the lack of reliable supplies of seed stock; and

''(I) the availability of additional species for commercial production.

''(8) Many areas of the United States are suitable for aquaculture, but are subject to land-use or water-use management policies and regulations that do not adequately consider the potential for aquaculture and may inhibit the development of aquaculture.

''(9) In 1994, the United States ranked only ninth in the world in aquaculture production based on total value of products.

''(10) Despite the current and increasing importance of private aquaculture to the United States economy and to rural areas in the United States, Federal efforts to nurture aquaculture development have failed to keep pace with the needs of fish and aquatic plant farmers.

''(11) The United States has a premier opportunity to expand existing aquaculture production and develop new aquaculture industries to serve national needs and the global marketplace.

''(12) United States aquaculture provides wholesome products for domestic consumers and contributes significantly to employment opportunities and the quality of life in rural areas in the United States.

''(13)(A) Aquaculture is poised to become a major growth industry of the 21st century.

''(B) With global seafood demand projected to increase 70 percent by 2025, and harvests from capture fisheries stable or declining, aquaculture will have to increase production by 700 percent, a total of 77 million metric tons annually, to meet that projection.

''(14)(A) In 1983, United States aquaculture production was 308,400,000 pounds with a farm gate value of $261,000,000.

''(B) In 1994, the industry produced 666,000,000 pounds with a farm gate value of $751,000,000.

''(C) Aquaculture accounted for approximately 6 percent of the total United States fish and shellfish harvest in 1994.

''(15)(A) In 1994, per capita consumption of aquatic foods in the United States was 15 pounds per person per year.

''(B) Demand is projected to double by 2025.''.

(b) PURPOSE.—Section 2(b) of the National Aquaculture Act of 1980 (16 U.S.C. 2801(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) establishing private aquaculture as a form of agriculture for the purposes of programs of the Department;'';

(2) in paragraph (3), by striking ''and'' at the end; and

(3) by inserting after paragraph (4) the following:

''(5) establishing cultivated aquatic animals, plants, microorganisms, and their products produced by private persons and moving in commodity channels as agricultural livestock, crops, and commodities; and

''(6) authorizing the establishment of a National Aquaculture Information Center within the Department to support the United States aquaculture industry;''.

SEC. 3. DEFINITIONS.

Section 3 of the National Aquaculture Act of 1980 (16 U.S.C. 2802) is amended—

(1) in paragraph (1), by striking ''the propagation'' and all that follows through the period at the end and inserting ''the controlled cultivation of aquatic plants, animals, and microorganisms, except that the term does not include private, for-profit ocean ranching of Pacific salmon in a State in which the ranching is prohibited by law.'';

(2) in paragraph (3), by inserting before the period at the end the following: ''or microorganism'';

(3) by redesignating paragraphs (7) through (9) as paragraphs (9) through (11), respectively;

(4) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(5) by inserting after paragraph (4) the following:

''(5) DEPARTMENT.—The term 'Department' means the United States Department of Agriculture.''; and

(6) by inserting before paragraph (9) (as redesignated by paragraph (3)) the following:

''(8) PRIVATE AQUACULTURE.—The term 'private aquaculture' means the controlled cultivation of aquatic plants, animals, and microorganisms other than cultivation carried out by the Federal Government or any State or local government.''.

SEC. 4. NATIONAL AQUACULTURE DEVELOPMENT PLAN.

Section 4 of the National Aquaculture Act of 1980 (16 U.S.C. 2803) is amended—

(1) in subsection (b)(3)(B), by adding at the end the following: ''including the development of best management practices for maintaining water quality,'';

(2) in subsection (e)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the identification of efforts of States to improve water quality through the development of best management practices.''; and

(3) by adding at the end the following:

''(f) ACCOMPLISHMENTS IN AQUACULTURE PROGRAMS.—Not later than December 31, 1998, the Secretary, in collaboration with the Secretary of Commerce and the Secretary of the Interior, shall submit to Congress a report evaluating the actions taken in accordance with subsection (d) with respect to the Plan, and making recommendations for updating and modifying the Plan. The report shall also contain a compendium on Federal regulations relating to aquaculture.''.

SEC. 5. NATIONAL AQUACULTURE INFORMATION CENTER.

Section 5 of the National Aquaculture Act of 1980 (16 U.S.C. 2804) is amended—

(1) in subsection (c)(1)(B)—

(A) by striking ''Secretary shall—'' and inserting ''Secretary—'';

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(C) by striking clause (i) and inserting the following:

''(i) may establish within the regional centers of aquaculture established under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)), or within the institutions affiliated with the regional centers, a means of electronically compiling and accessing information for the National Aquaculture Information Center;

''(ii) may establish, within the Department, a National Aquaculture Information Center that shall—

''(I) serve as a repository and clearinghouse for the information collected under subparagraph (A) and other provisions of this Act;

''(II) carry out a program to notify organizations, institutions, and individuals known to be involved in aquaculture of the existence of the Center and the kinds of information that the Center can make available to the public; and

''(III) make available, on request, information described in subclause (I) (including information collected under subsection (e));'';

(D) in clause (iii) (as redesignated by subparagraph (B))—

(i) by inserting ''shall'' before ''arrange''; and

(ii) by striking the comma and inserting a semicolon; and

(E) in clause (iv) (as redesignated by subparagraph (B)), by inserting ''shall'' before ''conduct''; and

(2) in the first sentence of subsection (d), by striking ''Interior,,'' and inserting ''Interior,''.

SEC. 6. COORDINATION WITH THE AQUACULTURE INDUSTRY.

Section 6(b) of the National Aquaculture Act of 1980 (16 U.S.C. 2805(b)) is amended—

(1) in paragraph (4), by inserting before the semicolon at the end the following: '', including information on best management practices for maintaining water quality'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(7) facilitate improved communication and interaction among aquaculture producers, the aquaculture community, the Federal Government, and the coordinating group, establish a working relationship with national organizations, commodity associations, and professional societies representing aquaculture interests.''.

SEC. 7. AQUACULTURE COMMERCIALIZATION RESEARCH.

The National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.) is amended—

(1) by redesignating sections 7 through 11 as sections 9 through 13, respectively; and

(2) by inserting after section 6 the following:

''SEC. 7. AQUACULTURE COMMERCIALIZATION RESEARCH.

''(a) ASSISTANCE AND COORDINATION.—

''(1) IN GENERAL.—The Secretary may make grants and enter into contracts with any person or governmental agency to support the market development and commercialization of aquaculture research and technology that—

''(A) demonstrates strong potential for accelerating the transfer to the marketplace of aquaculture products, processes, and technologies that can improve profitability, production, efficiency, and sustainability of existing and emerging aquaculture sectors;

''(B) will help the United States aquaculture industry to be more competitive in the global marketplace; and

''(C) will facilitate the commercialization of promising research and technologies deriving from existing aquaculture research programs.

''(2) COST SHARE.—

''(A) FEDERAL SHARE.—Except as provided in subparagraph (B), the Federal share of the cost of a grant or contract under this section shall be 80 percent.

''(B) REMAINING SHARE.—The remaining share of the cost of a grant or contract under this section may be—

''(i) in the form of cash or in-kind payments; and

''(ii) partially comprised of funds made available under other Federal programs, except that the non-Federal share may not be less than 10 percent of the cost of the grant or contract.

''(b) PRIORITIES.—In making grants or awarding contracts under subsection (a), the Secretary shall give a higher priority to—

''(1) highly focused, applied aquaculture research;

''(2) investigations of new aquaculture products or processes that demonstrate a high potential for commercialization;

''(3) market development programs for new or improved aquaculture products or processes;

''(4) activities that have a strong potential to create employment opportunities involving aquaculture;

''(5) other activities that accelerate the commercialization of promising aquaculture technologies;

''(6) the extent to which the proposal promotes sustainable aquaculture development; and

''(7) the extent to which the proposal includes participation with a private aquaculture farm or business that supplies products or services that are necessary for aquaculture farming.

''(c) COMPETITIVE REVIEW.—

''(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under subsection (a), a proposal shall be competitively reviewed under procedures established by the Secretary.

''(2) COMPETITIVE REVIEW PANELS.—A competitive review panel shall be composed of individuals appointed by the Secretary, at least 50 percent of whom work in private aquaculture or have a demonstrated competence to objectively evaluate the likelihood of a proposal being economically successful or promoting economic success within the aquaculture industry.

''(3) EVALUATION.—The competitive review shall be based on an evaluation of—

''(A) the quality of the proposal and the research methodology;

''(B) the capability of the participating organization to perform the proposed work;

''(C) the amount of matching funds provided by the participating organization or obtained from non-Federal sources;

''(D) in the case of a noncommercial entity, the existence of a cooperative arrangement with a commercial entity; and

''(E) such other factors as the Secretary determines to be appropriate.

''(d) LIMITATIONS.—

''(1) REGIONAL AQUACULTURE CENTERS.—Not less than 40 percent of the amounts made available to carry out this section for a fiscal year shall be used to carry out projects that will facilitate the commercialization of research or investigations funded or coordinated by regional aquaculture centers established under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)).

''(2) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amounts made available to carry out this section for a fiscal year may be used by the Secretary to pay the expenses of administration and information collection and dissemination.

''(3) CONSTRUCTION COSTS.—None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

''(e) REPORTS.—An eligible entity that receives a grant or enters into a contract with respect to a project carried out under this section shall submit an annual progress report, and a final report, to the Secretary that describes project activities and commercial and economic accomplishments and impacts.

''(f) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created solely for the purpose of reviewing applications or proposals submitted under this section.''.

SEC. 8. NATIONAL POLICY FOR PRIVATE AQUACULTURE.

The National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.) is amended by inserting after section 7 (as added by section 7(2)) the following:

''SEC. 8. NATIONAL POLICY FOR PRIVATE AQUACULTURE.

''(a) REQUIREMENT.—In collaboration with the Secretary of Commerce and the Secretary of the Interior, the Secretary shall coordinate and implement a national policy for

private aquaculture in accordance with this section.

''(b) DEPARTMENT OF AGRICULTURE AQUACULTURE PLAN.—

''(1) IN GENERAL.—The Secretary shall develop and implement a Department of Agriculture Aquaculture Plan (referred to in this section as the 'Department Plan') for a unified aquaculture program of the Department to support the development of private aquaculture.

''(2) ELEMENTS.—The Department Plan shall address—

''(A) programs of individual agencies of the Department related to aquaculture that are consistent with Department programs applied to other areas of agriculture, including livestock, crops, products, and commodities under the jurisdiction of agencies of the Department;

''(B) the treatment of commercially cultivated aquatic animals as livestock and commercially cultivated aquatic plants as agricultural crops; and

''(C) means for effective coordination and implementation of aquaculture activities and programs within the Department, including individual agency commitments of personnel and resources.

''(c) NATIONAL AQUACULTURE INFORMATION CENTER.—In carrying out section 5, the Secretary may maintain and support a National Aquaculture Information Center at the National Agricultural Library as a repository for information on national and international aquaculture.

''(d) TREATMENT OF AQUACULTURE.—The Secretary shall treat—

''(1) private aquaculture as agriculture for the purpose of programs of the Department; and

''(2) commercially cultivated aquatic animals, plants, and microorganisms, and products of the animals, plants, and microorganisms, produced by private persons and transported or moved in standard commodity channels as agricultural livestock, crops, and commodities, respectively.

''(e) PRIVATE AQUACULTURE POLICY COORDINATION, DEVELOPMENT, AND IMPLEMENTATION.—

''(1) RESPONSIBILITY.—The Secretary shall coordinate, develop, and carry out policy and programs of the Department related to private aquaculture.

''(2) DUTIES.—The Secretary shall—

''(A) coordinate all intradepartmental functions and activities of the Department relating to private aquaculture; and

''(B) establish procedures for the coordination of functions, and consultation with, the coordinating group.''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 12 of the National Aquaculture Act of 1980 (as redesignated by section 7(1)) is amended by striking the first sentence and inserting the following: ''There is authorized to be appropriated to carry out this Act (including the functions of the Joint Subcommittee on Aquaculture established under section 6(a)) $3,000,000 for each of fiscal years 1998 through 2002.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) take effect on October 1, 1997.

SEC. 10. ELIGIBILITY OF AQUACULTURE FARMERS FOR FARM CREDIT ASSISTANCE.

Section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) is amended by striking ''fish farming'' both places it appears in paragraphs (1) and (2) and inserting ''aquaculture (as defined in section 3 of the National Aquaculture Act of 1980 (16 U.S.C. 2802))''.

SEC. 11. INTERNATIONAL AQUACULTURE INFORMATION AND DATA COLLECTION.

(a) IN GENERAL.—Section 502 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692) is amended by adding at the end the following:

''(d) INTERNATIONAL AQUACULTURE INFORMATION AND DATA COLLECTION.—

''(1) IN GENERAL.—The Secretary is authorized to establish and carry out a program of data collection, analysis, and dissemination of information to provide continuing and timely economic information concerning international aquaculture production.

''(2) CONSULTATION.—In carrying out paragraph (1), the Secretary shall consult with the Joint Subcommittee on Aquaculture established under section 6(a) of the National Aquaculture Act of 1980 (16 U.S.C. 2805(a)), and representatives of the United States aquaculture industry, concerning means of effectively providing data described in paragraph (1) to the Joint Subcommittee and the industry.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) take effect on October 1, 1997.

SEC. 12. AQUACULTURE INFORMATION NETWORK REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall report to Congress on the feasibility of expanding current information systems at regional aquaculture centers established by the Secretary under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)), universities, research institutions, and the Agricultural Research Service to permit an on-line link between those entities for the sharing of data, publication, and technical assistance information involving aquaculture.

SEC. 13. IMPLEMENTATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall report to Congress on the progress made in carrying out this Act and the amendments made by this Act with respect to policies and programs of the Department of Agriculture.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) a description of all programs and activities of the Department of Agriculture and all other agencies and Departments in support of private aquaculture;

(2) the specific authorities for the activities described in paragraph (1); and

(3) recommendations for such actions as the Secretary of Agriculture determines are necessary to improve recognition and support of private aquaculture in each agency of the Department of Agriculture.

Mr. CRAIG. Mr. President, I rise today to join my colleagues and friend from Hawaii, Senator AKAKA, in the introduction of the National Aquaculture Development, Research, and Promotion Act of 1997.

This important piece of legislation is designed to help make the United States competitive in the expanding world market for aquaculture products. The United States is poised to become the world leader in aquaculture, yet it remains far beyond other nations, including many with fewer resources and less developed infrastructure.

Already there are more than 1,000 Idahoans whose jobs are either directly or indirectly connected to aquaculture. They represent a $92 million industry for my home State: An industry committed to a cleaner environment, a safer food supply, and community development.

However, much more lies ahead of us if the United States is to become a world leader in this growing industry. Despite recent growth, America's annual trade deficit in seafood remains stable at approximately $3 billion—a reduction of which could mean a stronger domestic industry, more jobs, and less dependency on others for our food supply.

Mr. President, it is for these reasons I am pleased to join my colleague in introducing this measure today.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1081. A bill to enhance the rights and protections for victims of crime; to the Committee on the Judiciary.

THE CRIME VICTIMS ASSISTANCE ACT

Mr. LEAHY. Madam President, during National Crime Victim Rights Week, I said that it was important to focus attention on the needs and rights of crime victims not just during that week of special ceremonies, but throughout the year. I am, therefore, pleased to have this opportunity to introduce legislation with my good friend from Massachusetts, Senator KENNEDY. Our Crime Victims Assistance Act represents the next step in our continuing efforts to afford dignity and recognition to victims of crime.

My involvement with crime victims began more than three decades ago when I served as State's attorney for Chittenden County, VT, and witnessed first hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime, rather than one that presents additional ordeals for those already victimized.

I am proud that Congress has been a significant part of the solution to provide victims with greater rights and assistance. Over the past 15 years, Congress has passed several bills to this end. These bills have included:

The Victims and Witness Protection Act of 1982; The Victims of Crime Act of 1984; The Victims' Bill of Rights of 1990; The 1994 Violent Crime Control and Law Enforcement Act; and The Justice for Victims of Terrorism Act of 1996.

Just this March, Congress passed the Victim Rights Clarification Act of 1997, which I cosponsored with Senators NICKLES, INHOFE and HATCH. That legislation reversed a presumption against crime victims observing the fact phase of a trial if they were likely to provide testimony during the sentencing phase of that trial.

As a result of that legislation, not only were victims of the Oklahoma City bombing able to observe the trial of Timothy McVeigh, all those who were able to witness the trial and were called as witnesses to provide victim impact testimony at the sentencing phase of that trial were able to do so.

Also, on the first day of this session, we introduced S.15, a youth crime bill. In that legislation, which we have identified as a legislative priority for the entire Democratic caucus, we included provisions for victims of juvenile crime

so that their rights to appear, to be heard, and to be informed would be protected. Those provisions have now been incorporated in the juvenile crime bill ordered reported by the Judiciary Committee last week along with added protections against witness intimidation.

The legislation that we introduce today, the Crime Victims Assistance Act, builds upon this progress. It provides for a wholesale reform of the Federal rules and Federal law to establish additional rights and protections for victims of federal crime. Particularly, the legislation would provide crime victims with an enhanced: right to be heard on the issue of pretrial detention; right to be heard on plea bargains; right to a speedy trial; right to be present in the courtroom throughout a trial; right to give a statement at sentencing; right to be heard on probation revocation; and

Right to be notified of a defendant's escape or release from prison.

The legislation goes further than other victims rights proposals that are currently before Congress by including: Enhanced penalties for witness intimidation; an increase in Federal victim assistance personnel; enhanced training for State and local law enforcement and officers of the court; the development of state-of-the-art systems for notifying victims of important dates and developments in their cases; and the establishment of ombudsman programs for crime victims.

These are all matters that can be considered and enacted this year with a simple majority of both Houses of Congress. They need not overcome the delay and higher standards necessitated by proposing to amend the Constitution. They need not wait the hammering out of implementing legislation before making a difference in the lives of crime victims.

I look forward to continuing to work with the administration, victims groups, prosecutors, judges, and other interested parties on how we can most effectively enhance the rights of victims of crime. Congress and State legislatures have become more sensitive to crime victims rights over the past 20 years and we have a golden opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve.

In my State, Vermont, there are many individuals who have made a difference by dedicating themselves to serving the needs of crime victims. Individuals, such as Lori Hayes from the Vermont Center for Crime Victims Services, have joined in leading the Nation on issues pertaining to crime victims. I congratulate Lori on the results of the Justice Department's recent site visit of Vermont's Victims of Crime Act programs. The Justice Department concluded that

Vermont's programs are setting the standard for outreach to under served populations and service coordination among providers and allied professionals * * * Other States interested in improving their services and advocacy for crime victims would do well to study the model created by Lori Hayes, her staff, and other victims advocates in Vermont.

Without the commitment of people like Lori, we would not be making the progress that we are.

I would like to acknowledge several others who have been extremely helpful with regards to the legislation that we are introducing today: The Office for Victims of Crime at the Justice Department, the National Network to End Domestic Violence, the NOW Legal Defense Fund, the National Clearinghouse for the Defense of Battered Women, Professor Lynne Henderson from Indiana Law School, the National Organization for Victim Assistance, Roger Pilon, Director of the Center for Constitutional Studies at the Cato Institute, the National Victim Center, and many others.

While we have greatly improved our crime victims assistance programs and made advances in recognizing crime victims rights, we still have more to do. That is why it is my hope that Democrats and Republicans, supporters and opponents of a constitutional amendment on this issue will join Senator KENNEDY and me in advancing this important legislation through Congress. We can make a difference in the lives of crime victims right now, and I hope Congress will make it a top priority and pass the Crime Victims Assistance Act before the end of the year.

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

S. 1081

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Crime Victims Assistance Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—VICTIM RIGHTS
Subtitle A—Amendments to Title 18, United States Code
Sec. 101. Right to be notified of detention hearing and right to be heard on the issue of detention.
Sec. 102. Right to a speedy trial and prompt disposition free from unreasonable delay.
Sec. 103. Enhanced right to order of restitution.
Sec. 104. Enhanced right to be notified of escape or release from prison.
Sec. 105. Enhanced penalties for witness tampering.
Subtitle B—Amendments to Federal Rules of Criminal Procedure
Sec. 121. Right to be notified of plea agreement and to be heard on merits of the plea agreement.
Sec. 122. Enhanced rights of notification and allocution at sentencing.
Sec. 123. Rights of notification and allocution at a probation revocation hearing.
Subtitle C—Amendment to Federal Rules of Evidence
Sec. 131. Enhanced right to be present at trial.
Subtitle D—Remedies for Noncompliance
Sec. 141. Remedies for noncompliance.
TITLE II—VICTIM ASSISTANCE INITIATIVES
Sec. 201. Increase in victim assistance personnel.
Sec. 202. Increased training for State and local law enforcement, State court personnel, and officers of the court to respond effectively to the needs of victims of crime.
Sec. 203. Increased resources for State and local law enforcement agencies, courts, and prosecutors' offices to develop state-of-the-art systems for notifying victims of crime of important dates and developments.
Sec. 204. Pilot programs to establish ombudsman programs for crime victims.
Sec. 205. Amendments to Victims of Crime Act of 1984.
Sec. 206. Technical correction.
Sec. 207. Services for victims of crime and domestic violence.
Sec. 208. Pilot program to study effectiveness of restorative justice approach on behalf of victims of crime.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Attorney General'' means the Attorney General of the United States;

(2) the term ''bodily injury'' has the meaning given that term in section 1365(g) of title 18, United States Code;

(3) the term ''Commission'' means the Commission on Victims' Rights established under section 204;

(4) the term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(5) the term ''Judicial Conference'' means the Judicial Conference of the United States established under section 331 of title 28, United States Code;

(6) the term ''law enforcement officer'' means an individual authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, and includes corrections, probation, parole, and judicial officers;

(7) the term ''Office of Victims of Crime'' means the Office of Victims of Crime of the Department of Justice;

(8) the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

(9) the term ''unit of local government'' means any—

(A) city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; or

(B) Indian tribe;

(10) the term ''victim''—

(A) means an individual harmed as a result of a commission of an offense; and

(B) in the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased—

(i) the legal guardian of the victim;

(ii) a representative of the estate of the victim;

(iii) a member of the family of the victim; or

(iv) any other person appointed by the court to represent the victim, except that in no event shall a defendant be appointed as the representative or guardian of the victim; and

(11) the term ''qualified private entity'' means a private entity that meets such requirements as the Attorney General may establish.

TITLE I—VICTIM RIGHTS

Subtitle A—Amendments to Title 18, United States Code

SEC. 101. RIGHT TO BE NOTIFIED OF DETENTION HEARING AND RIGHT TO BE HEARD ON THE ISSUE OF DETENTION.

Section 3142 of title 18, United States Code, is amended by adding at the end the following:

''(k) NOTIFICATION OF RIGHT TO BE HEARD.—

''(1) IN GENERAL.—In any case involving a defendant who is arrested for an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, in which a detention hearing is scheduled pursuant to subsection (f)—

''(A) the Government shall make a reasonable effort to notify the victim of the hearing, and of the right of the victim to be heard on the issue of detention; and

''(B) at the hearing under subsection (f), the court shall inquire of the Government as to whether the efforts at notification of the victim under subparagraph (A) were successful and, if so, whether the victim wishes to be heard on the issue of detention and, if so, shall afford the victim such an opportunity.

''(2) LIMITATION.—Upon motion of either party that identification of the defendant by the victim is a fact in dispute, and that no means of verification has been attempted, the Court shall use appropriate measures to protect integrity of the identification process.

''(3) ADDRESS.—With respect to any case described in paragraph (1), the victim shall notify the appropriate authority of an address to which notification under this subsection may be sent.

''(4) DEFINITION OF VICTIM.—In this subsection, the term 'victim' means any individual against whom an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, has been committed and also includes the parent or legal guardian of a victim who is less than 18 years of age, or incompetent, or 1 or more family members designated by the court if the victim is deceased or incapacitated.''.

SEC. 102. RIGHT TO A SPEEDY TRIAL AND PROMPT DISPOSITION FREE FROM UNREASONABLE DELAY.

Section 3161(h)(8)(B) of title 18, United States Code, is amended by adding at the end the following:

''(v) The interests of the victim (or the family of a victim who is deceased or incapacitated) in the prompt and appropriate disposition of the case, free from unreasonable delay.''.

SEC. 103. ENHANCED RIGHT TO ORDER OF RESTITUTION.

Section 3664(d)(2)(A)(iv) of title 18, United States Code, is amended by inserting '', and the right of the victim (or the family of a victim who is deceased or incapacitated) to attend the sentencing hearing and to make a statement to the court at the sentencing hearing'' before the semicolon.

SEC. 104. ENHANCED RIGHT TO BE NOTIFIED OF ESCAPE OR RELEASE FROM PRISON.

Section 503(c)(5)(B) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(5)(B)) is amended by inserting after ''offender'' the following: '', including escape, work release, furlough, or any other form of release from a psychiatric institution or other facility that provides mental health services to offenders''.

SEC. 105. ENHANCED PENALTIES FOR WITNESS TAMPERING.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''as provided in paragraph (2)'' and inserting ''as provided in paragraph (3)'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) Whoever uses physical force or the threat of physical force, or attempts to do so, with intent to—

''(A) influence, delay, or prevent the testimony of any person in an official proceeding;

''(B) cause or induce any person to—

''(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

''(ii) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

''(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; and

''(iv) be absent from an official proceeding to which such person has been summoned by legal process; or

''(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).''; and

(D) in paragraph (3)(B), as redesignated, by striking ''in the case of'' and all that follows before the period and inserting ''an attempt to murder, the use of physical force, the threat of physical force, or an attempt to do so, imprisonment for not more than 20 years''; and

(2) in subsection (b), by striking ''or physical force''.

Subtitle B—Amendments to Federal Rules of Criminal Procedure

SEC. 121. RIGHT TO BE NOTIFIED OF PLEA AGREEMENT AND TO BE HEARD ON MERITS OF THE PLEA AGREEMENT.

(a) IN GENERAL.—Rule 11 of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

''(i) RIGHTS OF VICTIMS.—

''(1) IN GENERAL.—In any case involving a defendant who is charged with an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault—

''(A) the Government, prior to a hearing at which a plea of guilty or nolo contendere is entered, shall make a reasonable effort to notify the victim of—

''(i) the date and time of the hearing; and

''(ii) the right of the victim to attend the hearing and to address the court; and

''(B) if the victim attends a hearing described in subparagraph (A), the court, before accepting a plea of guilty or nolo contendere, shall afford the victim an opportunity to be heard on the proposed plea agreement.

''(2) ADDRESS.—With respect to any case described in paragraph (1), the victim shall notify the appropriate authority of an address to which notification under this subsection may be sent.

''(3) DEFINITION OF VICTIM.—In this subsection, the term 'victim' means any individual against whom an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, has been committed and also includes the parent or legal guardian of a victim who is less than 18 years of age, or incompetent, or 1 or more family members designated by the court if the victim is deceased or incapacitated.

''(4) MASS VICTIM CASES.—In any case involving more than 15 victims, the court, after consultation with the Government and the victims, may appoint a number of victims to serve as representatives of the victims' interests.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims of offenses involving death or bodily injury to any person, the threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendment made by subsection (a), then the amendment made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendment made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendment made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 122. ENHANCED RIGHTS OF NOTIFICATION AND ALLOCUTION AT SENTENCING.

(a) IN GENERAL.—Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking subparagraph (D) and inserting the following:

''(D) a victim impact statement, identifying, to the maximum extent practicable—

''(i) each victim of the offense (except that such identification shall not include information relating to any telephone number, place of employment, or residential address of any victim);

''(ii) an itemized account of any economic loss suffered by each victim as a result of the offense;

''(iii) any physical injury suffered by each victim as a result of the offense, along with its seriousness and permanence;

''(iv) a description of any change in the personal welfare or familial relationships of each victim as a result of the offense; and

''(v) a description of the impact of the offense upon each victim and the recommendation of each victim regarding an appropriate sanction for the defendant;''; and

(B) by adding at the end the following:

''(7) VICTIM IMPACT STATEMENTS.—

''(A) IN GENERAL.—Any probation officer preparing a presentence report shall—

''(i) make a reasonable effort to notify each victim of the offense that such a report is being prepared and the purpose of such report; and

''(ii) provide the victim with an opportunity to submit an oral or written statement, or a statement on audio or videotape outlining the impact of the offense upon the victim.

''(B) USE OF STATEMENTS.—Any written statement submitted by a victim under subparagraph (A) shall be attached to the presentence report and shall be provided to the sentencing court and to the parties.'';

(2) in subsection (c)(1), by adding at the end the following: ''Before sentencing in any case in which a defendant has been charged with or found guilty of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, the Government shall make a reasonable effort to notify the victim (or the family of a victim who is deceased) of the time and place of sentencing and of their right to attend and to be heard.''; and

(3) in subsection (f), by inserting ''the right to notification and to submit a statement under subdivision (b)(7), the right to notification and to be heard under subdivision (c)(1), and'' before ''the right of allocution''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims of offenses involving death or bodily injury to any person, the threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, to participate during the presentencing phase of the criminal process.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (a), then the amendments made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 123. RIGHTS OF NOTIFICATION AND ALLOCUTION AT A PROBATION REVOCATION HEARING.

(a) IN GENERAL.—Rule 32.1 of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

''(d) RIGHTS OF VICTIMS.—

''(1) IN GENERAL.—At any hearing pursuant to subsection (a)(2) involving one or more persons who have been convicted of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, the Government shall make reasonable effort to notify the victim of the offense (and the victim of any new charges giving rise to the hearings), of—

''(A) the date and time of the hearing; and

''(B) the right of the victim to attend the hearing and to address the court regarding whether the terms or conditions of probation or supervised release should be modified.

''(2) DUTIES OF COURT AT HEARING.—At any hearing described in paragraph (1) at which a victim is present, the court shall—

''(A) address each victim personally; and

''(B) afford the victim an opportunity to be heard on the proposed terms or conditions of probation or supervised release.

''(3) ADDRESS.—In any case described in paragraph (1), the victim shall notify the appropriate authority of an address to which notification under this paragraph may be sent.

''(4) DEFINITION OF VICTIM.—In this rule, the term 'victim' means any individual against whom an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, has been committed and a hearing pursuant to subsection (a)(2) is conducted, including—

''(A) a parent or legal guardian of the victim, if the victim is less than 18 years of age or is incompetent; or

''(B) 1 or more family members or relatives of the victim designated by the court, if the victim is deceased or incapacitated.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to ensure that reasonable efforts are made to notify victims of offenses involving death or bodily injury to any person, or the threat of death or bodily injury to any person, of any revocation hearing held pursuant to rule 32.1(a)(2) of the Federal Rules of Criminal Procedure.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendment made by subsection (a), then the amendment made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendment made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendment made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

Subtitle C—Amendment to Federal Rules of Evidence

SEC. 131. ENHANCED RIGHT TO BE PRESENT AT TRIAL.

(a) IN GENERAL.—Rule 615 of the Federal Rules of Evidence is amended—

(1) by striking ''At the request'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), at the request'';

(2) by striking ''This rule'' and inserting the following:

''(b) EXCEPTIONS.—Subsection (a)'';

(3) by striking ''exclusion of (1) a party'' and inserting the following: ''exclusion of—

''(1) a party'';

(4) by striking ''person, or (2) an officer'' and inserting the following: ''person;

''(2) an officer'';

(5) by striking ''attorney, or (3) a person'' and inserting the following: ''attorney;

''(3) a person'';

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

(7) by adding at the end the following:

''(4) a person who is a victim (or a member of the immediate family of a victim who is deceased or incapacitated) of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, for which a defendant is being tried in a criminal trial, unless the court concludes that—

''(A) the testimony of the person will be materially affected by hearing the testimony of other witnesses, and the material effect of hearing the testimony of other witnesses on the testimony of that person will result in unfair prejudice to any party; or

''(B) due to the large number of victims or family members of victims who may be called as witnesses, permitting attendance in the courtroom itself when testimony is being heard is not feasible.

''(c) DISCRETION OF COURT; EFFECT ON OTHER LAW.—Nothing in subsection (b)(4) shall be construed—

''(1) to limit the ability of a court to exclude a witness, if the court determines that such action is necessary to maintain order during a court proceeding; or

''(2) to limit or otherwise affect the ability of a witness to be present during court proceedings pursuant to section 3510 of title 18, United States Code.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Evidence to provide enhanced opportunities for victims of offenses involving death or bodily injury to any person, or the threat of death or bodily injury to any person, to attend judicial proceedings, even if they may testify as a witness at the proceeding.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (a), then the amendments made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

Subtitle D—Remedies for Noncompliance

SEC. 141. REMEDIES FOR NONCOMPLIANCE.

(a) GENERAL LIMITATION.—Any failure to comply with any amendment made by this Act shall not give rise to a claim for damages, or any other action against the United States, or any employee of the United States, any court official or officer of the court, or an entity contracting with the United States, or any action seeking a rehearing or other reconsideration of action taken in connection with a defendant.

(b) REGULATIONS TO ENSURE COMPLIANCE.—

(1) IN GENERAL.—Notwithstanding subsection (a), not later than 1 year after the date of enactment of this Act, the Attorney General and the Chairman of the United States Parole Commission shall promulgate regulations to implement and enforce the amendments made by this title.

(2) CONTENTS.—The regulations promulgated under paragraph (1) shall—

(A) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice (including employees of the United States Parole Commission) who willfully or repeatedly violate the amendments made by this title, or willfully or repeatedly refuse or fail to comply with provisions of Federal law pertaining to the treatment of victims of crime;

(B) include an administrative procedure through which parties can file formal complaints with the Department of Justice alleging violations of the amendments made by this title;

(C) provide that a complainant is prohibited from recovering monetary damages against the United States, or any employee of the United States, either in his official or personal capacity; and

(D) provide that the Attorney General, or the designee of the Attorney General, shall the ultimate arbiter of the complaint, and there shall be no judicial review of the final decision of the Attorney General by a complainant.

TITLE II—VICTIM ASSISTANCE INITIATIVES

SEC. 201. INCREASE IN VICTIM ASSISTANCE PERSONNEL.

There are authorized to be appropriated such sums as may be necessary to enable the Attorney General to—

(1) hire 50 full-time or full-time equivalent employees to serve victim-witness advocates to provide assistance to victims of any criminal offense investigated by any department or agency of the Federal Government; and

(2) provide grants through the Office of Victims of Crime to qualified private entities to fund 50 victim-witness advocate positions within those organizations.

SEC. 202. INCREASED TRAINING FOR STATE AND LOCAL LAW ENFORCEMENT, STATE COURT PERSONNEL, AND OFFICERS OF THE COURT TO RESPOND EFFECTIVELY TO THE NEEDS OF VICTIMS OF CRIME.

Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Office of Victims of Crime to make grants to States, units of local government, and qualified private entities, to provide training and information to prosecutors, judges, law enforcement officers, probation officers, and other officers and employees of Federal and State courts to assist them in responding effectively to the needs of victims of crime.

SEC. 203. INCREASED RESOURCES FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES, COURTS, AND PROSECUTORS' OFFICES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING VICTIMS OF CRIME OF IMPORTANT DATES AND DEVELOPMENTS.

(a) IN GENERAL.—Subtitle A of title XXIII of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2077) is amended by adding at the end the following:

''SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING VICTIMS OF CRIME OF IMPORTANT DATES AND DEVELOPMENTS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Victims of Crime of the Department of Justice such sums as may be necessary for grants to State and local prosecutors' offices, State courts, county jails, State correctional institutions, and qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue.

''(b) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.''.

(b) VIOLENT CRIME REDUCTION TRUST FUND.—Section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) is amended—

(1) in the first paragraph designated as paragraph (15) (relating to the definition of the term ''Federal law enforcement program''), by striking ''and'' at the end;

(2) in the first paragraph designated as paragraph (16) (relating to the definition of the term ''Federal law enforcement program''), by striking the period at the end and inserting ''; and''; and

(3) by inserting after the first paragraph designated as paragraph (16) (relating to the definition of the term ''Federal law enforcement program'') the following:

''(17) section 230103.''.

SEC. 204. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN PROGRAMS FOR CRIME VICTIMS.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Victims of Crime.

(2) OFFICE.—The term ''Office'' means the Office of Victims of Crime.

(3) QUALIFIED PRIVATE ENTITY.—The term ''qualified private entity'' means a private entity that meets such requirements as the Attorney General, acting through the Director, may establish.

(4) QUALIFIED UNIT OF STATE OR LOCAL GOVERNMENT.—The term ''qualified unit of State or local government'' means a unit or a State or local government that meets such requirements as the Attorney General, acting through the Director, may establish.

(5) VOICE CENTERS.—The term ''VOICE Centers'' means the Victim Ombudsman Information Centers established under the program under subsection (b).

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Attorney General, acting through the Director, shall establish and carry out a program to provide for pilot programs to establish and operate Victim Ombudsman Information Centers in each of the following States:

(A) Iowa.

(B) Massachusetts.

(C) Ohio.

(D) Tennessee.

(E) Utah.

(F) Vermont.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a qualified private entity or unit of State or local government to conduct a pilot program referred to in paragraph (1). Under the agreement, the Attorney General, acting through the Director, shall provide for a grant to assist the qualified private entity or unit of State or local government in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the VOICE Center shall be established in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a VOICE Center under this section (including the applicable reporting duties under subsection (c) and the terms of the agreement) each VOICE Center shall operate independently of the Office; and

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a VOICE Center.

(c) OBJECTIVES.—

(1) MISSION.—The mission of each VOICE Center established under a pilot program under this section shall be to assist a victim of a Federal or State crime to ensure that the victim—

(A) is fully apprised of the rights of that victim under applicable Federal or State law; and

(B) participates in the criminal justice process to the fullest extent of the law.

(2) DUTIES.—The duties of a VOICE Center shall include—

(A) providing information to victims of Federal or State crime regarding the right of those victims to participate in the criminal justice process (including information concerning any right that exists under applicable Federal or State law);

(B) identifying and responding to situations in which the rights of victims of crime under applicable Federal or State law may have been violated;

(C) attempting to facilitate compliance with Federal or State law referred to in subparagraph (B);

(D) educating police, prosecutors, Federal and State judges, officers of the court, and employees of jails and prisons concerning the rights of victims under applicable Federal or State law; and

(E) taking measures that are necessary to ensure that victims of crime are treated with fairness, dignity, and compassion throughout the criminal justice process.

(d) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Office may provide technical assistance to each VOICE Center.

(2) ANNUAL REPORT.—Each qualified private entity or qualified unit of State or local government that carries out a pilot program to establish and operate a VOICE Center under this section shall prepare and submit to the Director, not later than 1 year after the VOICE Center is established, and annually thereafter, a report that—

(A) describes in detail the activities of the VOICE Center during the preceding year; and

(B) outlines a strategic plan for the year following the year covered under subparagraph (A).

(e) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) GAO STUDY.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Comptroller General of the United States shall conduct a review of each pilot program carried out under this section to determine the effectiveness of the VOICE Center that is the subject of the pilot program in carrying out the mission and duties described in subsection (c).

(2) OTHER STUDIES.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Attorney General, acting through the Director, shall enter into an agreement with 1 or more private entities that meet such requirements the Attorney General, acting through the Director, may establish, to study the effectiveness of each VOICE Center established by a pilot program under this section in carrying out the mission and duties described in subsection (c).

(f) TERMINATION DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), a pilot program established under this section shall terminate on the date that is 4 years after the date of enactment of this Act.

(2) RENEWAL.—If the Attorney General determines that any of the pilot programs established under this section should be renewed for an additional period, the Attorney General may renew that pilot program for a period not to exceed 2 years.

(g) FUNDING.—Notwithstanding any other provision of law, an aggregate amount not to exceed $5,000,000 of the amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Director to make grants under subsection (b).

SEC. 205. AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984.

(a) CRIME VICTIMS FUND.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) any gifts, bequests, and donations from private entities or individuals.''; and

(2) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) All unobligated balances transferred to the judicial branch for administrative costs to carry out functions under sections 3611 and 3612 of title 18, United States Code, shall be returned to the Crime Victims Fund and may be used by the Director to improve services for crime victims in the Federal criminal justice system.''; and

(B) in paragraph (4), by adding at the end the following:

''(C) States that receive supplemental funding to respond to incidents or terrorism or mass violence under this section shall be required to return to the Crime Victims Fund for deposit in the reserve fund, amounts subrogated to the State as a result of third-party payments to victims.''.

(b) CRIME VICTIM COMPENSATION.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended—

(1) in subsection (a)—

(A) in each of paragraphs (1) and (2), by striking ''40'' and inserting ''60''; and

(B) in paragraph (3), by inserting ''and evaluation'' after ''administration''; and

(2) in subsection (b)(7), by inserting ''because the identity of the offender was not determined beyond a reasonable doubt in a criminal trial, because criminal charges were not brought against the offender, or'' after ''deny compensation to any victim''.

(c) CRIME VICTIM ASSISTANCE.—Section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking the comma after ''Director'';

(ii) by inserting ''or enter into cooperative agreements'' after ''make grants'';

(iii) by striking subparagraph (A) and inserting the following:

''(A) for demonstration projects, evaluation, training, and technical assistance services to eligible organizations;'';

(iv) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(v) by adding at the end the following:

''(C) training and technical assistance that address the significance of and effective delivery strategies for providing long-term psychological care.''; and

(B) in paragraph (3)—

(i) in subparagraph (C), by striking ''and'' at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) use funds made available to the Director under this subsection—

''(i) for fellowships and clinical internships; and

''(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.''; and

(2) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) the term 'State' includes—

''(A) the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; and

''(B) for purposes of a subgrant under subsection (a)(1) or a grant or cooperative agreement under subsection (c)(1), the United States Virgin Islands and any agency of the government of the District of Columbia or the Federal Government performing law enforcement functions in and on behalf of the District of Columbia.'';

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(E) public awareness and education and crime prevention activities that promote, and are conducted in conjunction with, the provision of victim assistance; and

''(F) for purposes of an award under subsection (c)(1)(A), preparation, publication, and distribution of informational materials and resources for victims of crime and crime victims organizations.'';

(C) by striking paragraph (4) and inserting the following:

''(4) the term 'crisis intervention services' means counseling and emotional support including mental health counseling, provided as a result of crisis situations for individuals, couples, or family members following and related to the occurrence of crime;'';

(D) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(6) for purposes of an award under subsection (c)(1), the term 'eligible organization' includes any—

''(A) national or State organization with a commitment to developing, implementing, evaluating, or enforcing victims' rights and the delivery of services;

''(B) State agency or unit of local government;

''(C) tribal organization;

''(D) organization—

''(i) described in section 501(c) of the Internal Revenue Code of 1986; and

''(ii) exempt from taxation under section 501(a) of such Code; or

''(E) other entity that the Director determines to be appropriate.''.

(d) COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OF MASS VIOLENCE.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended—

(1) in subsection (a), by striking ''1404(a)'' and inserting ''1402(d)(4)(B)''; and

(2) in subsection (b), by striking ''1404(d)(4)(B)'' and inserting ''1402(d)(4)(B)''.

SEC. 206. TECHNICAL CORRECTION.

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. 207. SERVICES FOR VICTIMS OF CRIME AND DOMESTIC VIOLENCE.

Section 504 of Public Law 104–134 (110 Stat. 1321–53) shall not be construed to prohibit a recipient (as that term is used in that section) from using funds derived from a source other than the Legal Services Corporation to provide related legal assistance to any person with whom an alien (as that term is used in subsection (a)(11) of that section) has a relationship covered by the domestic violence laws of the State in which the alien resides or in which an incidence of violence occurred.

SEC. 208. PILOT PROGRAM TO STUDY EFFECTIVENESS OF RESTORATIVE JUSTICE APPROACH ON BEHALF OF VICTIMS OF CRIME.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts collected

pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Office of Victims of Crime to make grants to States, units of local government, and qualified private entities for the establishment of pilot programs that implement balanced and restorative justice models.

(b) DEFINITION OF BALANCED AND RESTORATIVE JUSTICE MODEL.—In this section, the term ''balanced and restorative justice model'' means an approach to criminal justice that promotes the maximum degree of involvement by a victim, offender, and the community served by a criminal justice system by allowing the criminal justice system and related criminal justice agencies to improve the capacity of the system and agencies to—

(A) protect the community served by the system and agencies; and

(B) ensure accountability of the offender and the system.

Mr. KENNEDY. Madam President, It is a privilege to join in introducing the Crime Victims Empowerment Act. I commend Senator LEAHY and Congresswoman MCCARTHY for their effective leadership on this important issue, and the many organizations who share our concern, especially the National Network to End Domestic Violence, the National Clearinghouse for the Defense of Battered Women, and the NOW Legal Defense Fund.

Too often in the past, the victims of crime have been the forgotten citizens in the criminal justice system. The legislation we are introducing today is an attempt to redress the balance and to guarantee that victims of crime are not victimized a second time by the criminal justice system.

First, the bill establishes new statutory rights for victims of Federal crimes, including expanded rights to participate in all phases of the criminal justice process, from trial through sentencing. Expanded rights are created for victims during trial proceedings.

Second, the bill includes a number of important measures to assist victims of crimes under State laws. A key step here is to provide additional training and resources to State officials. Although most State judges and prosecutors are conscientious, there are too many cases in which the rights and needs of victims are ignored.

Too often, for example, victims of assaults or other violent crimes learn about developments in their case by reading the newspaper, or watching the news on television. Victims should not have to learn about the release of their assailants in these ways. Our bill offers resources to local authorities to take this step and other basic steps to ensure that victims are not left out of the criminal justice provisions in obvious ways like this.

To take another example, there is a critical shortage of victim advocates to provide services and support to crime victims. Our bill addresses this shortage by authorizing the hiring of additional personnel.

These initiatives will not raise the deficit. They are financed by civil penalties paid under the False Claims Act.

There is no need to amend the Constitution to protect the rights of victims of crime. We can accomplish our goal by statute, and ensure that victims are treated with the dignity and respect they deserve. I look forward to early action on this legislation, and to taking the long overdue steps to improve the quality of justice in our society by protecting the rights of victims.

By Mr. MACK (for himself, Mr. HUTCHINSON, and Mr. ASHCROFT):

S. 1083. A bill to provide structure for and introduce balance into a policy of meaningful engagement with the People's Republic of China; to the Committee on Foreign Relations.

THE UNITED STATES-PEOPLE'S REPUBLIC OF CHINA NATIONAL SECURITY AND FREEDOM PROTECTION ACT

Mr. MACK. Mr. President, just over 1 week ago, Congressman CHRIS COX, together with many other Members of the House of Representatives, including BEN GILMAN, GERALD SOLOMON, DUNCAN HUNTER, TILLIE FOWLER, CHRIS SMITH, ED ROYCE, BILL MCCOLLUM, HENRY HYDE, and ILEANA ROS-LEHTINEN introduced an 11-point legislative plan to address our Nation's failure to truly engage the People's Republic of China. Senator TIM HUTCHINSON and I joined in the unveiling of the House proposals to show our support for the good work done by our House colleagues and endorse the leadership of Congressman COX. I also promised at that time to introduce companion legislation in the Senate.

Mr. President, I rise today to offer that bill, the United States-People's Republic of China National Security and Freedom Protection Act. I am proud to say that Senator HUTCHINSON and Senator ASHCROFT are joining me in introducing this bill today.

Mr. President, I also want to congratulate Senator ABRAHAM for his interest and work on developing a China policy. He has played an instrumental role in advancing the debate on this important issue.

Mr. President, I come to this discussion of China policy following my 7 years of involvement with the people of Hong Kong and their commitment to freedom and democratic reforms. As Senate cochair of the congressional caucus on Hong Kong, I traveled to Hong Kong and China in late March of this year with the Democratic cochair, Senator JOE LIEBERMAN.

I must confess that on this recent trip, my concerns for the people of China and the future United States-People's Republic of China relationship increased. I was struck by the dichotomy between the people and the leadership in China. People's Republic of China officials expressed the view that people made governing difficult, as if the people exist for the benefit of the government. This fundamentally opposes my belief that people know what is best for themselves, and that government is for the benefit of the people. The official People's Republic of China view puts people at odds with government.

Mr. President, in China, I attended church and visited with people at the Forbidden City, and saw in the eyes of children and parents throughout China the same thing I see here in America. I saw children full of hope and wonder, and parents full of pride and ambition for their children.

I fear that these differences between the United States and China will lead us toward conflict unless we have a sound policy for which we can actively work toward improving relations. The administration calls their policy ''strategic engagement.'' I call it appeasement. Any policy which does not allow Americans to address their concerns with the People's Republic of China will prove irresponsible. I am introducing this bill today so that the children of China and the United States can grow up in peace, benefiting from each others' freedom and prosperity.

Mr. President, this bill takes root in a belief that our China policy must contain five essential elements.

First, United States policy should seek liberalization of the People's Republic of China Government, responsible behavior by the People's Republic of China, and integration of the People's Republic of China into the community of nations. United States interests are best served in China, as they are everywhere, when they are defined by the United States national security strategy: in the proliferation of democracy and the liberalization of authoritarian forms of government.

Second, United States policy should continue to maintain a strong presence and commitment to leadership and involvement in the Asian Pacific region. The policy should be regionally and globally integrated. The United States shares a stake in China's future with the people of China, the region, and the world.

Third, United States policy should encourage friendship between our nations while protecting national interests and acting on national values. The People's Republic of China does not today, and will not for the foreseeable future, pose a direct military threat to the United States. The People's Republic of China is not an enemy of the United States and should not be made out as such.

Fourth, United States policy toward China should contain resolute and straight-forward toughness. United States policy toward China must not paper over issues which make China feel uncomfortable, but these issues should not dominate the relationship either. United States policy should seek to overcome these differences with the People's Republic of China. The People's Republic of China expects the United States to act honestly and directly, and the American people require a foreign policy which is honest and direct.

And finally, United States policy should be a policy of meaningful engagement which includes the mechanisms of this act. In order to fulfill a meaningful policy with respect to the People's Republic of China, more tools are needed to address American interests beyond those available in the current policy.

Mr. President, this bill provides a broad and positive context for dealing with the People's Republic of China and encouraging China's democratic development.

It is divided into three main sections: national security, human rights, and trade. It uses targeted sanctions and increased diplomacy as its primary tools. Economic sanctions are imposed against the People's Liberation Army, which is banned from operating commercially in the United States. Political sanctions are imposed against human rights violators by denying entry into the United States to those responsible for religious persecution, coercive family planning practices, and political oppression. The act also calls for military sanctions as provided for in the Gore-McCain Nonproliferation Act.

The sanctions are complemented by additional advocacy and reporting requirements placed upon United States diplomatic and customs officers in the People's Republic of China. The act provides for additional authorizations to meet these requirements, as well as to improve the broadcasting effectiveness of Radio Free Asia. To demonstrate support for Taiwan and clarity in our Taiwan policy, the Act requires a bilateral study assessing the need for and feasibility of providing TMD to Taiwan.

The bill concludes with a title calling for review of the mechanisms called for in this act based upon China's behavior.

Mr. President, perhaps within our lifetimes, and almost certainly in the lives of our children, China will become a premier Asian power. Whether that is a threat or a promise depends in large part on whether we rise to the occasion by asserting our values and interests while at the same time helping China meet its new responsibilities. Continuing down a policy track which offers choices only between inadequate engagement or quixotic containment is a journey that will end as it began, in frustration without alternatives. We cannot allow that to be our legacy.

By Mr. WELLSTONE:

S. 1085. A bill to improve the management of the Boundary Waters Canoe Area Wilderness, and for other purposes; read the first time.

THE BOUNDARY WATERS CANOE AREA WILDERNESS EXPANSION, PROTECTION, AND ACCESS ACT OF 1997

Mr. WELLSTONE. Mr. President, I ask unanimous consent that S. 1085, be printed in the RECORD.

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

S. 1085

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 ''Boundary Waters Canoe Area Wilderness Expansion, Protection, and Access Act of 1997''.

SEC. 2. MOTORIZED PORTAGES.

Section 4 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1650) is amended by striking subsection (g) and inserting the following:

''(g) MOTORIZED PORTAGES.—

''(1) IN GENERAL.—Subject to paragraph (2), nothing in this Act shall prevent the operation of a motorized vehicle and associated equipment that is necessary to assist in the transport of a boat across Prairie Portage from the Moose Lake chain to Basswood Lake, and from Lake Vermilion to Trout Lake across the Trout Lake Portage.

''(2) CLEAN AND EFFICIENT VEHICLES.—A vehicle operated as permitted under paragraph (1)—

''(A) may not exceed the dimensions of a ¾ ton pickup truck; and

''(B) shall be a clean-emission and energy-efficient vehicle, as determined by the Secretary.

''(3) NEW TECHNOLOGY.—The Secretary may require the use of vehicles under paragraph (1) that utilize appropriate cost-effective new technology allowing for a cleaner and quieter motorized vehicle as soon as practicable, as determined by the Secretary.

''(4) REMOVAL OF TOW BOATS.—Not later than 30 days after the date on which the operation of motorized vehicles begins under paragraph (1), the Secretary shall terminate any special use permit for a tow boat in Basswood Lake or South Farm Lake.

''(5) INCREASE IN MOTORBOAT PERMITS.—The Secretary shall allow an appropriate increase in the number of motorboat permits for September on Basswood Lake to take into account the removal of commercial tow boats on Basswood Lake.

''(6) NO ADDITIONAL FACILITIES.—Nothing in this subsection permits the building of an overnight facility, building, road, or amenity at a portage site.

''(7) NO SUBSIDY.—The costs of operating a motorized vehicle under this subsection shall be borne by a concessionaire without subsidy from any government.

''(8) CONTINUED OPERATION.—If there is no operation of a motorized vehicle under this subsection by a concessionaire for a significant portion of the ice-free season for 3 consecutive years, this subsection shall cease to have effect.''.

SEC. 3. LAND ADDITIONS TO THE WILDERNESS.

Section 3 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1649) is amended—

(1) by inserting ''(a) IN GENERAL.—'' after ''SEC. 3.''; and

(2) by adding at the end the following:

''(b) ADDITIONAL LAND.—

''(1) IN GENERAL.—The wilderness shall include the land designated on the map entitled 'Boundary Waters Canoe Area—Expansion Proposal', dated July 29, 1997, comprising approximately 21,700 acres.

''(2) ON FILE.—The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the Chief of the Forest Service and the Supervisor of the Superior National Forest.

''(3) DETAILED LEGAL DESCRIPTION AND MAP.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish in the Federal Register a detailed legal description and map showing the new boundaries of the wilderness.

''(B) FILING WITH CONGRESS.—The Secretary shall file the legal description and map described in subparagraph (A) with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Resources of the House of Representatives.

''(C) FORCE OF LAW.—The legal description and map described in subparagraph (A) shall have the same force and effect as if included in this Act.

''(D) CLERICAL AND TYPOGRAPHICAL ERRORS.—The Secretary may correct clerical and typographical errors in the legal description and map described in subparagraph (A) at any time.

''(4) TIMBER ACCESS ROADS.—Any timber access road in the land described in paragraph (1) that is in existence on the date of enactment of this subsection that is needed for operations under a timber sale contract in existence on that date shall remain open only until such time as the operations are completed and the timber sale contract expires.

''(5) LAND EXCHANGES.—Not later that 2 years after the date of enactment of this subsection, the Secretary shall identify and convey to the State or a county, in exchange for land owned by the State or county in the wilderness area described in paragraph (1), Federal land of approximately comparable value, taking into consideration factors such as the timber species, the volume of timber, and the accessibility of timber on the land.''.

SEC. 4. MOTORBOATS ON CANOE LAKE.

Section 4(c)(2) of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1650) is amended by striking ''; Canoe, Cook County''.

SEC. 5. USE OF PISTON BULLY.

Section 4(i) of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1652) is amended by adding at the end the following: ''The Secretary shall allow the use of a piston bully or similar device to groom the portion of the maintained ski trail on the east end of Flour Lake.''.

SEC. 6. PERMIT RESERVATION SYSTEM.

Section 4 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1652) is amended by adding at the end the following:

''(j) PERMIT RESERVATION SYSTEM.—It is the sense of Congress that the Secretary should take steps, if feasible, to move the permit reservation system for the wilderness to northeastern Minnesota. In taking such steps, the Secretary should give preference to a contractor located in a county in which part of the wilderness lies.''.

SEC. 7. ANNUAL GRANTS.

Section 16 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1658) is amended by adding at the end the following:

''(c) ANNUAL GRANTS.—Of the amounts made available under section 21, the Secretary shall make a portion available each year to the State of Minnesota to be used by the Department of Natural Resources to be used to pay the costs of providing employees and equipment in the wilderness (in addition to the employees and equipment being provided before the date of enactment of this subsection) for activities such as—

''(1) campsite restoration;

''(2) trail and campsite maintenance;

''(3) law enforcement;

''(4) monitoring of the management plan described in section 20;

''(5) user education; and

''(6) other appropriate activities, as determined by the Secretary.''.

SEC. 8. AIRSPACE RESERVATION.

The provisions of Executive Order No. 10092 (14 Fed. Reg. 7637) shall be applicable to the areas depicted as wilderness on the map referred to in the amendments made by section 3.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 21 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1659) is amended to read as follows:

''SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

''In addition to any other funds authorized to be appropriated for the wilderness, there are authorized to be appropriated to carry out this Act—

''(1) $3,500,000 for fiscal year 1998; and

''(2) such sums as are necessary for each fiscal year thereafter.''.

SEC. 10. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on January 1, 1998.

ADDITIONAL COSPONSORS

S. 322

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 322, a bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 489

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 489, a bill to improve the criminal law relating to fraud against consumers.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 507

At the request of Mr. HATCH, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 507, a bill to establish the United States Patent and Trademark Organization as a Government corporation, to amend the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, reexamination reform, and for other purposes.

S. 751

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 751, a bill to protect and enhance sportsmen's opportunities and conservation of wildlife, and for other purposes.

S. 770

At the request of Mr. NICKLES, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 770, a bill to encourage production of oil and gas within the United States by providing tax incentives, and for other purposes.

S. 950

At the request of Mr. MCCONNELL, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 950, a bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes.

S. 952

At the request of Mr. MCCONNELL, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 952, a bill to establish a Federal cause of action for discrimination and preferential treatment in Federal actions on the basis of race, color, national origin, or sex, and for other purposes.

S. 953

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 953, a bill to require certain Federal agencies to protect the right of private property owners, and for other purposes.

S. 1002

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1002, a bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes.

S. 1029

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

S. 1067

At the request of Mr. KERRY, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 1067, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

SENATE CONCURRENT RESOLUTION 39

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Concurrent Resolution 39, a concurrent resolution 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.

SENATE RESOLUTION 102

At the request of Mr. SPECTER, the names of the Senator from Illinois [Mr. DURBIN], the Senator from Ohio [Mr. DEWINE], the Senator from Rhode Island [Mr. REED], the Senator from Louisiana [Ms. LANDRIEU], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Hawaii [Mr. INOUYE], the Senator from Maryland [Ms. MIKULSKI], the Senator from Michigan [Mr. LEVIN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Resolution 102, a resolution designating August 15, 1997, as ''Indian Independence Day: A National Day of Celebration of Indian and American Democracy.''

SENATE CONCURRENT RESOLUTION 45—TRIBUTE TO HANS BLIX

Mr. GLENN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 45

Whereas Dr. Hans Blix is nearing the completion of 16 years of distinguished service as Director General of the International Atomic Energy Agency is retiring from that position;

Whereas Director General Blix has pursued the fundamental safeguards and nuclear cooperation objectives of the International Atomic Energy Agency with admirable skill and professional dedication; and

Whereas Director General Blix has earned international acclaim for his contributions to world peace and security: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, on behalf of the people of the United States—

(1) commends Dr. Hans Blix for his untiring efforts on behalf of world peace and development as the Director General of the International Atomic Energy Agency; and

(2) wishes Dr. Blix a happy and fulfilling future.

Mr. GLENN. Mr. President, I rise today to submit and speak on behalf of my proposed concurrent resolution to honor Dr. Hans Blix, who will soon be retiring after 16 years of service as the Director General of the International Atomic Energy Agency [IAEA].

Unfortunately, it is probably true that many Members of Congress do not fully understand what the IAEA is, what it does, and how it serves our national security interests. I think it is appropriate, therefore, to take just a few minutes to describe the agency that Dr. Blix has directed over these many years of distinguished service.

I would like to begin by discussing what the IAEA is not. The agency is not an organization that specializes in public relations or advertising to herald its achievements. Its officials tend not to be flamboyant. It is not any appendage or puppet of the U.S. Government, though it surely does serve the national security and foreign policy interests of the American people. It is not a police force. It has no army. It has no clandestine intelligence service. It has no ability to finance its operations by raising tax revenues. Indeed,

it has absolutely no guarantee that adequate funds will be available to pay for the agency's complex and ever-growing responsibilities. And like many other international organizations composed of diverse members—including some countries that do not even exchange diplomatic relations—it is not an agency that is immune to political conflict or controversy.

So what then is the IAEA?

The IAEA is a highly specialized agency in the United Nations system. It was created back in 1957, largely as a result of the Atoms for Peace initiative launched by President Dwight Eisenhower. Since its establishment, the IAEA has performed two basic tasks. First, it implements a system of safeguards over the peaceful uses of nuclear energy around the world. These safeguards consist of inspections, accounting measures, and material verification controls intended to ensure—in the words of the IAEA statute—''* * * that special fissionable and other materials, services, equipment, facilities, and information made available by the agency or at its request or under its supervision or control are not used in such a way as to further any military purpose''.

After the Treaty on the Non-Proliferation of Nuclear Weapons [NPT] entered into force a quarter of a century ago, the parties to that treaty established a system of nuclear safeguards whose objectives were ''* * * the timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices or for purposes unknown, and deterrence of such diversion by the risk of early detection'' (IAEA, INFCIRC 153, para. 28).

After the war in 1991 to expel Iraq from Kuwait, the UN Security Council gave the IAEA the responsibility of ensuring that Iraq was complying with the Council's resolutions concerning the dismantling of Iraq's nuclear weapons capability, a mission that the agency continues to perform today.

But the agency does not just implement safeguards. Its second key mission is to promote the peaceful uses of nuclear energy in such fields as agriculture, medicine, nuclear safety, and the generation of electricity. Today, more than 90 countries receive nuclear technical assistance from the IAEA. This assistance typically comes in the form of equipment, expert services, and training activities. Funding for these activities comes primarily from member states' voluntary contributions. The United States, which played such an essential role in the creation of this agency, contributes about a quarter of the IAEA's regular budget, which in 1996 came to $63 million of the agency's $219 million budget.

Now having just described what the Agency is not, and having reviewed briefly what the agency is, it should be quite apparent that any individual who can lead such an organization for 16 years, win numerous reelections, inspire the confidence of members of the world community—some of whom are not even talking to each other—enhance the technical competence of the agency, and accomplish all of the above on a limited budget, is no ordinary individual indeed. And that describes Dr. Blix about as best as I can describe him. He is a remarkable public servant.

I would like to add on a personal note that I have had the privilege of meeting with Dr. Blix many times during his frequent trips to this country. I know the kinds of political, organizational, and funding problems he has had to handle over his long tenure of office. I appreciated both his candor and his extensive knowledge about the workings of the agency that has done more than any other to protect the world community against the nightmare of loose nukes. I will miss both his good humor and his wise counsel about the challenges facing the agency as it grapples with some of the world's most difficult international security problems.

Though I wish Dr. Blix well in his retirement, I also look forward to working with his successor as Director General, Dr. Mohamed El Baradei. And as I prepare for my own retirement next year, I hope that all of my colleagues with responsibilities in the field of international nuclear affairs will miss no opportunity to educate themselves about this important international agency and the vital contributions it makes to the security of all Americans and, indeed, to the security of the world community as a whole.

It is important for us all to understand not just where this agency has been but where it may be heading in the years ahead.

We must recognize that safeguards do not implement themselves and will never suffice as a permanent guarantee against the illicit uses of nuclear materials. We must face the fact that some nuclear activities—such as large-scale reprocessing of plutonium or commercial uses of highly-enriched uranium—are probably unsafeguardable in the strict sense of the term and should therefore be discouraged internationally or, if economic reason and security considerations are allowed to prevail, phased out all together.

We must acknowledge that nuclear power offers no panacea for either the Greenhouse Effect or the world's ever-growing demand for electricity.

We must beware of efforts in the world community to expand the missions of this agency without also giving it the resources it needs to perform those responsibilities.

We must understand that IAEA member countries that comply with their safeguards agreements and international nonproliferation treaty obligations are entitled to receive technical assistance from the agency—and that the United States has ample foreign policy tools available to influence its adversaries rather than turning the IAEA into a diplomatic playing card, a punching bag, or an arena for gladiatorial combat.

If we recognize the strengths and limitations of the agency, I believe it will continue to serve the positive roles it has played over many decades in the service of world peace, security, and prosperity. And if the legacy of Dr. Blix continues to inspire the leadership of that agency in the years ahead, as I have every reason to believe it will, then the future of the IAEA will be bright indeed.

I ask all my colleagues to join me today in congratulating Dr. Blix for his long and dedicated service in the pursuit of a safer world. Let us salute him and his agency for a job well done.

AMENDMENTS SUBMITTED

THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1998

GREGG (AND HOLLINGS) AMENDMENT NO. 1024

Mr. GREGG (for himself and Mr. HOLLINGS) proposed an amendment to the bill (S. 1022) 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; as follows:

On page 77, line 16, strike ''$1,995,252,000'' and insert ''$1,999,052,000''.

On page 77, line 16, after ''expended'', insert the following: '', of which not to exceed $3,800,000 may be made available to the Secretary of Commerce for a study on the effect of intentional encirclement, including chase, on dolphins and dolphin stocks in the eastern tropical Pacific Ocean purse seine fishery''.

On page 77, line 26, strike ''$1,992,252,000'' and insert ''$1,996,052,000''.

On page 100, line 24, strike ''75,000,000'' and insert ''105,000,000.''

GREGG AMENDMENT NO. 1025

Mr. GREGG proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of law and pursuant to the fiscal year 1997 Emergency Supplemental Act (Public Law 105–18) Subsection 2004, funding for the following projects is to be made available from prior year carryover funds: $200,000 for the Ship Creek facility in Anchorage, Alaska; $1,000,000 for the construction of a facility on the Gulf Coast in Mississippi; and $300,000 for an open ocean aquaculture project and community outreach programs in Durham, New Hampshire.

COVERDELL AMENDMENT NO. 1026

Mr. GREGG (for Mr. COVERDELL) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. . REPORT ON COLLECTING DNA SAMPLES FROM SEX OFFENDERS.

(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.

DORGAN (AND OTHERS) AMENDMENT NO. 1027

Mr. GREGG (for Mr. DORGAN, for himself, Mr. HOLLINGS, Mr. DASCHLE, Mr. ROCKEFELLER, Mr. BURNS, Mr. KERREY, Mr. KERRY, Mr. JOHNSON, and Mr. WELLSTONE) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT MANIPULATE UNIVERSAL SERVICE SUPPORT PAYMENTS TO BALANCE THE FEDERAL BUDGET.—

The Congress finds that:

(A) it reaffirmed the importance of universal service support for telecommunications services by passing the Telecommunications Act of 1996;

(B) the Telecommunications Act of 1996 required the Federal Communications Commission to preserve and advance universal service based on the following principles:

(1) Quality services should be available at just, reasonable, and affordable rates;

(2) Access to advanced telecommunications and information services should be provided in all regions of the Nation;

(3) Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably compared to rates charged for similar services;

(4) All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service;

(5) There should be specific, predictable, and sufficient Federal and State mechanisms to preserve and advance universal service; and

(6) Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services;

(C) Federal and State universal contributions are administered by an independent, non-Federal entity and are not deposited into the Federal Treasury and therefore not available for Federal appropriations;

(D) the Conference Committee on the Balanced Budget Reconciliation Act of 1997, is considering proposals that would withhold Federal universal service funds in the year 2002; and

(E) the Withholding of billions of dollars of universal service support payments may result in temporary rate increases in rural and high cost areas and may delay qualifying schools, libraries, and rural health facilities discounts directed under the Telecommunications Act of 1996:

Now, therefore, it is the sense of the Senate that the Balanced Budget Reconciliation Act of 1997 should not manipulate, modify, or impair universal service support as a means to achieve a balanced Federal budget or to achieve Federal budget savings.

MCCAIN (AND KYL) AMENDMENT NO. 1028

Mr. GREGG (for Mr. MCCAIN, for himself and Mr. KYL) proposed an amendment to the bill, S. 1022, supra; as follows:

At the end of the section in title I regarding the ''WAIVER OF CERTAIN VACCINATION REQUIREMENTS'', insert the following new subsection:

''(b) REPORT.—The Attorney General, in conjunction with the Secretaries of Health and Human Services and State, shall report to Congress within 6 months of the date of enactment of this Act on how to establish an enforcement program to ensure that immigrants who receive waivers from the immunization requirement pursuant to section 212 of the Immigration and Nationality Act comply with the requirement of that section after the immigrants enter the United States, except when such immunizations would not be medically appropriate in the United States or would be contrary to the alien's religious or moral convictions.''

BIDEN AMENDMENT NO. 1029

Mr. GREGG (for Mr. BIDEN) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) for fiscal year 2001, $4,355,000,000; and

''(8) for fiscal year 2002, $4,455,000,000.''

Beginning on the date of enactment of this legislation, the discretionary spending limits contained in Section 201 of H. Con. Res. 84 (105th Congress) are reduced as follows:

for fiscal year 2001, $4,355,000,000 in new budget authority and $5,936,000,000 in outlays;

for fiscal year 2002, $4,455,000,000 in new budget authority and $4,485,000,000 in outlays.

KERRY AMENDMENT NO. 1030

Mr. GREGG (for Mr. KERRY) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 29, line 18, insert ''That of the amount made available for Local Law Enforcement Block Grants under this heading, $10,000,000 shall be 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: *Provided further*,'' after ''*Provided*,''.

GREGG (AND HOLLINGS) AMENDMENT NO. 1031

Mr. GREGG (for himself and Mr. HOLLINGS) proposed an amendment to the bill, S. 1022, supra; as follows:

On page 65, on line 25 after ''expenses'' insert the following: ''*Provided further*, That the number of political appointees on board as of May 1, 1998, shall constitute not more than fifteen percentum of the total full-time equivalent positions at the Office of the United States Trade Representative.''

WELLSTONE (AND OTHERS) AMENDMENT NO. 1032

Mr. WELLSTONE (for himself, Mr. TORRICELLI, Ms. LANDRIEU, Mr. AKAKA, and Mr. DASCHLE) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place in title V of the bill, insert the following:

SEC. 5 . For fiscal year 1998 and subsequent fiscal years, 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.

WELLSTONE (AND KENNEDY) AMENDMENT NO. 1033

Mr. WELLSTONE (for himself and Mr. KENNEDY) proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place in title V of the bill, insert the following:

SEC. 5 . The Legal Services Corporation shall—

(1) conduct a study to determine the estimated number of individuals who were unable to obtain assistance from its grantees as

a result of the enactment of section 504(a)(16) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134:110 State. 1321–55), during the six month period commencing with the enactment of this Act; and

(2) not later than 30 days thereafter, submit to Congress a report describing the results of the study conducted under paragraph (1).

GREGG AMENDMENT NO. 1034

Mr. GREGG proposed an amendment to the bill, S. 1022, supra; as follows:

At the appropriate place, insert:

Notwithstanding any other provision in this act the amount for the Department of State ''Capital Investment Fund'' shall be $105,000,000.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

KERREY (AND HAGEL) AMENDMENT NO. 1035

Mr. SHELBY (for Mr. KERREY, for himself and Mr. HAGEL) proposed an amendment to the bill, S. 1048, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 52, at line 1, insert the following:

SEC. 339. Subsection (d)(4) of 49 U.S.C. 31112 is amended by striking ''September 30, 1997'' and inserting ''February 28, 1998''.

SHELBY (AND LAUTENBERG) AMENDMENT NO. 1036

Mr. SHELBY (for himself and Mr. LAUTENBERG) proposed an amendment to the bill, S. 1048, supra; as follows:

On page 12, line 19, strike ''$286,000,000'' and insert: ''$190,000,000''.

On page 23, line 10, strike ''$90,000,000'' and insert: ''$190,000,000''.

On page 24, line 8, strike ''$2,310,000'' and insert: ''$2,210,000''.

On page 24, line 10, strike ''$2,310,000'' and insert: ''$2,210,000''.

On page 24, line 19, strike ''$2,000,000,000'' and insert: ''$2,008,000,000''.

On page 25, line 5, strike ''$780,000,000'' and insert: ''$788,000,000''.

On page 46, line 16, strike the word ''persons'' and insert: ''passengers''.

On page 46, line 18, strike ''363,000'' and insert: ''300,000''.

On page 26, before line 20, insert the following: ''$4,645,000 for the Little Rock, Arkansas Junction Bridge project;''.

ABRAHAM (AND OTHERS) AMENDMENT NO. 1037

Mr. SHELBY (for Mr. ABRAHAM, for himself, Mr. LEVIN, Ms. MOSELEY-BRAUN, and Mr. DURBIN) proposed an amendment to the bill, S. 1048, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 340. Of funds made available under this Act for discretionary grants for replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, up to $20,000,000 may be provided to the State of Michigan and $12,000,000 to the State of Illinois.

CAMPBELL (AND ALLARD) AMENDMENT NO. 1038

Mr. SHELBY (for Mr. CAMPBELL, for himself, and Mr. ALLARD) proposed an amendment to the bill, S. 1048, supra; as follows:

On page 24, line 3, strike the period at the end of the line and insert the following: '': *Provided*, That within the funds made available under this head, $500,000 may be made available to the Colorado Department of Transportation to study the metropolitan planning process and organization in the Denver metropolitan area. The study shall be based on a scope of work agreed to be Douglas County (on behalf of selected Denver regional county governments and municipal governments), the Denver Regional Council of Governments, and the Colorado Department of Transportation. Within 24 months of enactment of this Act, the recommendations of this study will be transmitted to the Senate and House Committees on Appropriations.''

SHELBY (AND LAUTENBERG) AMENDMENT NO. 1039

Mr. SHELBY (for himself, and Mr. LAUTENBERG) proposed an amendment to the bill, S. 1048, supra; as follows:

On page 15, line 4, after the word ''loans'' insert: ''to be repaid with other than Federal funds''.

INOUYE AMENDMENT NO. 1040

Mr. SHELBY (for Mr. INOUYE) proposed an amendment to the bill, S. 1048, supra; as follows:

On page 50, line 11, insert the following:

(D) Nothing in this Act shall be construed to affect any existing statutes of the several States that define the obligations of such States to native Hawaiians, native Americans, or Alaskan natives in connection with ceded lands, except to make clear that airport revenues may not be used to satisfy any such obligations.

HOLLINGS AMENDMENT NO. 1041

Mr. SHELBY (for Mr. HOLLINGS) proposed an amendment to the bill, S. 1048, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . PILOT RECORD SHARING.

The Administrator of the Federal Aviation Administration shall—

(1) work with air carriers conducting nonscheduled operations under part 135 of the Federal Aviation Administration's regulations (14 C.F.R. 135.1 et seq.) to implement the requirements of section 44936(f) of title 49, United States Code, effectively and expeditiously; and

(2) implement those requirements with respect to such air carriers not later than February 1, 1998, or sooner if, in working with such air carriers, the Administrator determines that the provisions of that section can be effectively implemented for such air carriers.

FRIST AMENDMENT NO. 1042

Mr. SHELBY (for Mr. FRIST) proposed an amendment to the bill, S. 1048, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . EXEMPTION AUTHORITY FOR AIR SERVICE TO SLOT-CONTROLLED AIRPORTS.

Section 41714 of title 49, United States Code, is amended by adding at the end thereof the following:

''(i) EXPEDITIOUS CONSIDERATION OF CERTAIN EXEMPTION REQUESTS.—Within 120 days after receiving an application for an exemption under subsection (a)(2) to improve air service between a nonhub airport (as defined in section 41731(a)(4)) and a high density airport subject to the exemption authority under subsection (a), the Secretary shall grant or deny the exemption. The Secretary shall notify the United States Senate Committee on Commerce, Science, and Transportation and the United States House of Representatives Committee on Transportation and Infrastructure of the grant or denial within 14 calendar days after the determination and state the reasons for the determination.''.

LEVIN (AND GRAHAM) AMENDMENT NO. 1043

Mr. SHELBY (for Mr. LEVIN, for himself and Mr. GRAHAM) proposed an amendment to the bill, S. 1048, supra; as follows:

On page 51, after line 25, add the following:

SEC. . SENSE OF THE SENATE CONCERNING REAUTHORIZATION OF HIGHWAY AND MASS TRANSIT PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) on October 1, 1997, authorization for most of the programs authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240), including mass transit programs, will expire;

(2) States, local governments, and the national economy depend on Federal investment in the transportation infrastructure of the United States;

(3) it is the duty of Congress to reauthorize the programs to ensure that the investment continues to flow and that there is no interruption of critical transportation services or construction; and

(4) the public and Congress should have a substantial opportunity to review, comment on, and comprehensively debate committee-reported proposals to reauthorize the programs well in advance of their expiration to ensure that the programs adequately reflect the needs of the United States and the contributions of the States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this Act should not be considered to be a substitute for a comprehensive measure reauthorizing highway and mass transit spending programs and should not be interpreted to authorize or otherwise direct the distribution of funds to the States under expiring formulas under title 23 or 49, United States Code, in fiscal year 1998.

JOHNSON (AND DASCHLE) AMENDMENT NO. 1044

Mr. SHELBY (for Mr. JOHNSON, for himself and Mr. DASCHLE) proposed an amendment to the bill, S. 1048, supra; as follows:

On page 4, line 11, strike the numeral and insert ''$2,435,400,000''.

At the appropriate place in title III, insert the following:

SEC. 3. (a) As soon as practicable after the date of enactment of this Act, the Secretary of Transportation, acting for the Department of Transportation, may take receipt of such equipment and sites of the Ground Wave Emergency Network (referred

to in this section as ''GWEN'') as the Secretary of Transportation determines to be necessary for the establishment of a nationwide system to be known as the ''Nationwide Differential Global Positioning System'' (referred to in this section as ''NDGPS'').

(b) As soon as practicable after the date of enactment of this Act, the Secretary of Transportation may establish the NDGPS. In establishing the NDGPS, the Secretary of Transportation may—

(1) if feasible, reuse GWEN equipment and sites transferred to the Department of Transportation under subsection (a);

(2) to the maximum extent practicable, use contractor services to install the NDGPS;

(3) modify the positioning system operated by the Coast Guard at the time of the establishment of the NDGPS to integrate the reference stations made available pursuant to subsection (a);

(4) in cooperation with the Secretary of Commerce, ensure that the reference stations referred to in paragraph (3) are compatible with, and integrated into, the Continuously Operating Reference Station (commonly referred to as ''CORS'') system of the National Geodetic Survey of the Department of Commerce; and

(5) in cooperation with the Secretary of Commerce, investigate the use of the NDGPS reference stations for the Global Positioning System Integrated Precipitable Water Vapor System of the National Oceanic and Atmospheric Administration.

(c) The Secretary of Transportation may—

(1) manage and operate the NDGPS;

(2) ensure that the service of the NDGPS is provided without the assessment of any user fee; and

(3) in cooperation with the Secretary of Defense, ensure that the use of the NDGPS is denied to any enemy of the United States.

(d) In any case in which the Secretary of Transportation determines that contracting for the maintenance of 1 or more NDGPS reference stations is cost-effective, the Secretary of Transportation may enter into a contract to provide for that maintenance.

(e) The Secretary of Transportation may—

(1) in cooperation with appropriate representatives of private industries and universities and officials of State governments—

(A) investigate improvements (including potential improvements) to the NDGPS;

(B) develop standards for the NDGPS; and

(C) sponsor the development of new applications for the NDGPS; and

(2) provide for the continual upgrading of the NDGPS to improve performance and address the needs of—

(A) the Federal Government;

(B) State and local governments; and

(C) the general public.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee markup of the Agriculture Research bill as well as the nominations of:

Mr. August Schumacher to be Under Secretary of Agriculture for Farm and Foreign Agriculture Services and a Member of the Board of Directors for the Commodity Credit Corporation;

Dr. Catherine E. Woteki to be Under Secretary of Agriculture for Food Safety;

Dr. I. Miley Gonzalez to be Under Secretary of Agriculture for Research, Education, and Economics; and

Ms. Shirley Watkins to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services and a Member of the Commodity Credit Corporation.

The business meeting will take place in SR–328A, at 9 a.m., on Wednesday, July 30, 1997.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. president, I wish to announce that the Committee on Rules and Administration will hold a business meeting, at 2:30 p.m., on Wednesday, July 30, 1997, on the status of the investigation into the contested Senate election in Louisiana at which the committee could consider and vote upon a resolution, or resolutions, prescribing the future course of action to be taken by the committee.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a business meeting, at 9:30 a.m., on Thursday, July 31, 1997, on the status of the investigation into the contested Senate election in Louisiana at which the committee could consider and vote upon a resolution, or resolutions, prescribing the future course of action to be taken by the committee.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a business meeting at 9:30 a.m. on Friday, August 1, 1997, on the status of the investigation into the contested Senate election in Louisiana at which the committee could consider and vote upon a resolution, or resolutions, prescribing the future course of action to be taken by the committee.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, July 29, 1997, at 9:30 a.m. In SR–328A to examine price volatility issues in the post farm bill setting.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 29, 1997, to conduct an oversight hearing on automated teller machine networks.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 29, 1997, at 10:30 a.m. on global settlement of tobacco litigation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 29, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 967, a bill to amend the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act, and for other purposes, and S. 1015, a bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 29, 1997, at 10 a.m. to hold a hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 29, 1997, at 10:30 a.m., to hold a House/Senate Conference.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Tuesday, July 29, at 10 a.m., for a business meeting on campaign financing issues.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on improving educational opportunities for low-income children during the session of the Senate on Tuesday, July 29, 1997, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 29, 1997, at 2 p.m., to hold a closed briefing on intelligence matters.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights, of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, July 29, 1997, at 2 p.m., to hold a hearing in room 226, Senate Dirksen Building, on: ''Judicial Activism: Potential Responses.''

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

ADDITIONAL STATEMENTS

PLANT PATENT AMENDMENTS ACT OF 1997

● Mr. SMITH of Oregon. Mr. President, yesterday I introduced a bill, S. 1072, that corrects an unintended loophole in the Plant Patent Act of 1930 dealing with the coverage of plant parts. The 1930 act covers the whole plant but did not address plant parts, resulting in a loophole whereby some growers, particularly in foreign nations that do not have plant breeders' rights laws, are reproducing U.S. patent-protected varieties without authorization. They then export the harvested materials—plant parts—such as flowers and fruits, to the United States. The loophole has been created by new production and transportation capabilities unforeseen 67 years ago.

As a result, American plant breeders are losing royalty income that supports continued research and breeding of new and improved varieties. Domestic growers who are paying legitimate royalties are also finding themselves at an unfair disadvantage to foreign growers producing patented varieties illegally.

The Plant Patent Act of 1930 has historically offered a strong incentive for research and breeding activities, which is the foundation for a progressive and growing U.S. horticultural industry.

This legislation amends the Plant Patent Act to expressly cover plants and plant parts by inserting at the end of 35 U.S.C. 163, the words ''or any parts thereof.'' This solution provides relief to U.S. breeders and growers, and would help ensure that the United States remains an international leader in the development of new and useful plant varieties. It will enable plant and patent holders the opportunity to protect their patent rights and continue investing in research and development. S. 1072 is also consistent with the 1991 International Union for the Production of New Varieties of Plants, which extends plant breeders' rights protection to harvested material.

Mr. President, I ask that the text of the legislation be printed in the RECORD.

The text of the bill follows:

S. 1072

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 ''Plant Patent Amendment Act of 1997''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The protection provided by plant patents under title 35, United States Code, dating back to 1930, has historically benefited American agriculture and horticulture and the public by providing an incentive for breeders to develop new plant varieties.

(2) Domestic and foreign agricultural trade is rapidly expanding and is very different from the trade of the past. An unforeseen ambiguity in the provisions of title 35, United States Code, is undermining the orderly collection of royalties due breeders holding United States plant patents.

(3) Plant parts produced from plants protected by United States plant patents are being taken from illegally reproduced plants and traded in United States markets to the detriment of plant patent holders.

(4) Resulting lost royalty income inhibits investment in domestic research and breeding activities associated with a wide variety of crops—an ares where the United States has historically enjoyed a strong international position. Such research is the foundation of a strong horticultural industry.

(5) Infringers producing such plant parts from unauthorized plants enjoy an unfair competitive advantage over producers who pay royalties on varieties protected by United States plant patents.

(b) PURPOSES.—The purposes of this Act are—

(1) to clearly and explicitly provide that title 35, United States Code, protects the owner of a plant patent against the unauthorized sale of plant parts taken from plants illegally reproduced;

(2) to make the protections provided under such title more consistent with those provided breeders of sexually reproduced plants under the Plant Variety Protection Act (7 U.S.C. 2321 et. seq.), as amended by the plant Variety Protection Act Amendments of 1994 (Public Law 103–349); and

(3) to strengthen the ability of United States plant patent holders to enforce their patent rights with regard to importation of plant parts produced from plants protected by United States plant patents, which are propagated without the authorization of the patent holder.

SEC. 3. AMENDMENT TO TITLE 35, UNITED STATES CODE.

(a) RIGHTS IN PLANT PATENTS.—Section 163 of title 35, United States Code, is amended to read as follows:

''§ 163. Grant

''In the case of a plant patent, the grant shall include the right to exclude others from asexually reproducing the plant, and from using, offering for sale, or selling the plant so reproduced, or any of its parts, throughout the United States, or from importing the plant so reproduced, or any parts thereof, into the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any plant patent issued on or after the date of the enactment of this Act.●

WIPO IMPLEMENTING LEGISLATION

● Mr. LEAHY. Mr. President, yesterday, the administration transmitted its legislative proposal for implementing the two new treaties adopted in December 1996 by the World Intellectual Property Organization [WIPO]. Over the past few months, I have spoken and written to Secretary Daley of the Department of Commerce urging him to transmit this proposal without delay. The legislative package we received yesterday is an excellent start for moving forward. I commend the administration, Secretary Daley and, in particular, Assistant Secretary Bruce Lehman of the Patent and Trademark Office for their hard work on this proposal.

I understand that the administration's proposal will be introduced in the House of Representatives today. Along with Senator HATCH, I am reviewing the proposal. I hope we will be able to introduce the legislation this week so that we can take this matter up for hearings and further deliberation and action promptly when we return in September.●

JIM GAUPP

● Mr. FAIRCLOTH. Mr. President, Jim Gaupp was a fine American whose life touched many people. He was devoted to his family, and committed to his community. The following is an excerpt from the program at Jim's funeral, held at the Pinecrest Presbyterian Church in Hendersonville, NC:

PSALM 121

I will lift up mine eyes unto the hills, from whence cometh my help.
My help cometh from the Lord, which made heaven and earth.
He will not suffer thy foot to be moved; he that keepeth thee will not slumber.
Behold, he that keepeth Israel shall neither slumber nor sleep.
The Lord is thy keeper: the Lord is thy shade upon thy right hand.
The sun shall not smite thee by day nor the moon by night.
The Lord shall preserve thee from all evil; he shall preserve thy soul.
The Lord shall preserve thy going out and thy coming in from this time forth, and even for evermore.

James Louis Gaupp was born in Elk City, OK. In time, Jim moved to Columbus, OH, where he worked for Williams & Co., the metals warehouse. During his 47 years with Williams, Jim worked his way through the ranks and retired as a district manager and vice president. Jim Gaupp's commitment was to be a ''Christian businessman and father.''

In Columbus, OH, Jim Gaupp was very active in community service. He was very active in his church, in the chamber of commerce, and in the Kiwanis Club.

Jim and Betty Gaupp moved to Hendersonville in 1982, and quickly became vital parts of the Pinecrest Church. At Pinecrest, Jim served as an elder, Sunday school teacher, and faithful member.

In the Kiwanis Club of Hendersonville, Jim Gaupp was faithful; 51 years of perfect attendance at various Kiwanis Clubs was a record attained by Jim.

Jim Gaupp was an outstanding Christian gentleman. Jim was an ardent student of the Bible—entrusting large portions of Scripture to memory. Jim was a great man of prayer. As much as anything else, Jim Gaupp was a great example and model for the sake of Christ

in our midst. In many ways, Jim Gaupp will be missed.

Jim Gaupp is survived by his devoted wife, Betty, two daughters, one son, and several grandchildren.

Jim's life was an example to all, and he deserves a great deal of recognition. He has enriched our lives with his many contributions to our community. Jim will certainly be missed. ●

A TRIBUTE TO JERI WARE

● Mrs. MURRAY. Mr. President, Washington State lost a visionary leader, a passionate advocate, and a remarkable woman with the passing of Jerline Ware. As a citizen activist and as a public servant, Jeri Ware worked tirelessly for social justice and to ensure a brighter future for our community's children.

Jeri Ware may best be remembered as the chairwoman of the Seattle Human Rights Commission. This position gave her the opportunity to do in an official capacity what she had done her entire life: fight against discrimination and for equality and human rights. She never gave up believing in a just society and never shied away from speaking out for those who had been wronged. Just last December, the Seattle Human Rights Commission honored Jeri for her tireless commitment and dedication.

Jeri's other passion was our community's young people. She recognized that the future well-being of our community depended on our having a shared sense of responsibility for all our children and giving them the best possible start in life. She put this conviction into action by working in the tutorial program at the University of Washington and as a parent coordinator at Seattle's Leschi School.

We will miss not only Jeri Ware the activist and community leader, but also Jeri Ware the friend. She was a woman who was always willing to open her heart and home.

Jeri leaves her husband of 49 years, John, sons Anthony Muhammed and John Ware, daughters Joan Ware and Falicia Green, six grandchildren and two great-grandchildren; to whom our thoughts go out.

Jeri Ware's passing at the all-too-young age of 73 leaves a great void. However, her courage, commitment and unending faith in a just society will continue to be an inspiration to all those who share her vision.●

GLOBAL CLIMATE CHANGE

● Mr. DORGAN. Mr President, our Nation has an obligation to its citizens and to the world community to be a leader in working toward improvement of the global environment. Coming from an agricultural State, I am particularly concerned about the potential impacts of global climate changes on our ability to produce the food that is so vitally needed, both at home and abroad. However, if we are going to be effective in achieving our goals for a better global environment, we not only have to do what is necessary to reduce emissions here in our own country, we must also take the lead in negotiating agreements that will require the reduction of greenhouse gases in other countries around the world.

Frankly, I am deeply concerned over the negotiations related to the United Nations Framework Convention on Climate Change in which the United States and other countries are discussing the reduction of the emission of greenhouse gases. These negotiations are currently headed in a direction that will ask those who have already made great progress in reducing emissions to reduce them even further, while at the same time allowing those who have made no serious attempt to reduce the emission of greenhouse gases to do virtually nothing to comply.

I'm proud to say that my State, North Dakota, was the first State in America to comply with the Clean Air Act. We have taken the responsibility of reducing emissions in my home State and throughout these United States very seriously. Even though we have doubled our use of energy in the past 20 years in this country, we now have cleaner air. Have we done all we could? No, we can do more and we will. But, everybody needs to do their fair share.

The question in these negotiations is an issue of fairness. Is it fair to our economy to impose stringent controls that will cost substantial money to get a small margin of additional environmental benefit, when other have not even really started? Is it fair when we have already made significant strides in reducing emissions to exempt other countries, whose economies are competing with ours, from any meaningful compliance?

In recent trips to China, I have observed the degradation of that country's air shed because of the lack of meaningful laws or enforcement restricting the emissions of greenhouse gases. Yet, these negotiations would effectively allow China, India and other countries in similar situations a free ride. They would have virtually no significant requirements to clean up their act in any reasonable time period.

I refuse to accept negotiations that impose a burden on ourselves that we are unwilling to require of others, particularly when we have made progress and others have not. This reminds me of our negotiations on international trade in which we unilaterally have opened our markets to foreign goods, while allowing foreign markets to remain closed to our goods. While we bear the burden, others reap the profits. Unfortunately, we have not been willing to require other countries to take the reciprocal actions to achieve fair trade.

I see exactly the same mentality in these negotiations on the reduction of air emissions. Our country once again appears willing to impose burdens on our own economy that we will not require of others. Even if we were not competing with these other economies, this would not make good sense.

I want to make it clear that I think our country has done the right thing by insisting that part of the costs of producing a product includes the costs associated with reducing pollution and preventing the degradation of our air or water. I am proud that our country has been a leader on these environmental issues.

As we move forward in establishing and developing compliance with global environmental standards that will protect the Earth's environment, we must do so in a fair and evenhanded way that does not put America at a significant disadvantage with its trading partners.

For example, if we are competing with the Chinese in the production of goods and we are required to assume a burden in compliance with emissions standards that the Chinese are not required to follow, then we are imposing a penalty of fewer jobs and slower economic growth on our own economy. I think that's unfair to this country.

The administration should not mistake the concern that we have in Congress about this issue as one of weakness on environmental issues. That is simply not the case. In fact, the Congress has demonstrated its strong support for environmental cleanup for more than two decades.

If the administration intends to negotiate global requirements for environmental compliance, then this Congress will insist that these requirements are fair. We will insist that the negotiations do not impose burdens on our own country, while other countries are exempted from their enforcement responsibilities. This is a matter of fairness and doing what is right for our Nation and our planet.●

THE 85TH ANNIVERSARY OF CHESTER HOSE COMPANY

● Mr. LIEBERMAN. Mr. President, I rise today to honor the Chester Hose Company on their 85th anniversary. On September 7 they will be honored by the town of Chester and the Chester Historical Society with a Chester Hose Company Day celebration.

For the past 85 years this dedicated group of men and women have strived to ensure the safety of the community of Chester, CT. Their dedication is evident in their unshakable commitment to self-sacrifice for the security of their friends, families, and neighbors. Indeed, some have given the ultimate sacrifice, giving their lives while trying to protect their fellow citizens.

This organization's dedication and commitment to the town of Chester can be seen not only through the company's actions, but also in the great confidence and respect the residents of Chester place in these men and women. These are ordinary citizens asked to

perform extraordinary tasks, and never asking what was in it for them. The community's faith in their company has not wavered in its first 85 years and will undoubtedly continue through the next century.

The Chester Hose Company has been an important stone in the foundation of the town of Chester. The people of Connecticut thank them for their service, dedication, and contribution to their community.●

URGING APPOINTMENT OF SPECIAL PROSECUTOR FOR CAMPAIGN FINANCE ABUSES

● Mr. ALLARD. Mr. President, I rise today to offer my support to the request for a special prosecutor to look into the campaign finance abuses of the last election.

It comes as a shock to me that I even have to give this speech. It is so clearly necessary to have a nonpartisan, noncoercible investigator looking into these issues that the failure to appoint one in itself looks suspicious. The current troubles over election funding are just the sort of situation the special prosecutor idea was created for. The problem is a far reaching, bi-partisan scandal involving two branches of Government. It is also a scandal where those being investigated have the ability and possibly the desire to curb or even block efforts to fully unearth all the relevant facts.

And let me make this clear—it is not a potential scandal, Mr. President, it is a scandal. It is a scandal we see unfolding on TV, in the papers, and in the Hart Committee room with Senator THOMPSON's hearings.

And by the word scandal, I don't mean it's a little bit of gossip the media can pick over, but a scandal in that the situation is an illegal, unethical, and glaringly blatant violation of what the American people expect from their elected officials. There needs to be a full scale investigation into the entire finance problem, and a special prosecutor is the best way to accomplish this.

I admire Senator THOMPSON. I admire what he is doing. I have the utmost respect for his investigatory powers, and I truly believe he can do what he says he is going to do. His committee is fairly and bravely shining the public light of inquiry into the darker corners of election funding, and for that he deserves all the kudos he can be given. But the fact remains that a special prosecutor is needed.

Senator THOMPSON's hearings should serve as the springboard from which a special prosecutor's investigation is launched. He has called attention to the problem, he has let our colleagues from both sides of the aisle have a chance to look into the abuses of fundraising and soft money, and he has helped greatly to awaken the American people to the travesties done in an attempt to win their votes. Now, from this solid base, a solid legal case can be built against those who have abused our—admittedly—easily abusable system.

A special prosecutor investigation has more mobility, more leeway and more time than a Senate committee. It also is not troubled with partisan bickering and posturing. I know that Senator THOMPSON has done his best to curtail any partisanship, and he has done an excellent job, but the special prosecutor was created for just this reason—to avoid the clash between parties in a wide ranging investigation.

Honestly, how can there be any doubt that we need a special prosecutor in this case?

Not only the chairman, but also the ranking member of the committee looking into campaign finance abuses, Senator GLENN, admits that the evidence before the committee supports the conclusion that attempts were made by foreign powers to buy our elections.

There are those who say that the Justice Department could handle any illegalities associated with campaign abuse, if indeed any are found. Well, the Justice Department faces a conflict of interest trying to investigate up its chain of command. Anyone who thinks differently is kidding themselves. The Justice Department lawyers looking into this are careerist, and they report to political appointees.

For instance—the FBI claims they have not been able to find Charlie Trie, but Tom Brokaw was not only able to find him, he was able to interview him. I know that the American media are good, but better than the combined powers of our Federal police forces? More likely, there is a restraining force on the Justice Department. They are not to blame. Nobody should have to investigate their boss, and nobody should have to investigate the people who find them.

A special prosecutor has not been appointed because the Attorney General says that there is not enough proof to warrant one. I am not sure, exactly, where to begin to refute that idea. The abuses we have been made aware of are so glaring and so blatant and so widespread that I am almost thinking that the Attorney General is kidding. She herself, according to the press, has created a tax force inside the Justice Department and convened a grand jury to look into allegations.

Now, the special prosecutor's system has taken some hits lately. But we can insure that any prosecutor appointed is given a clear, specialized and fixed mandate to investigate the election funding issue. We can set guidelines that do not curb the power of the prosecutor, but insure a very narrow and specific investigation.

I urge the appointment of a special prosecutor. I urge the investigation of the election fundraising abuses. I urge a fair and just conclusion to this stain on our democratic election system.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–16 AND TREATY DOCUMENT NO. 105–17

Mr. GORTON. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on July 28, 1997, by the President of the United States:

Extradition Treaty with Cyprus, Treaty Document No. 105–16, and WIPO Performances and Phonograms Treaty (WPPT) (1996) and WIPO Copyright Treaty (WCT) (1996), Treaty Document No. 105–17.

I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Cyprus (''the Treaty''), signed at Washington on June 17, 1996.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both countries. It will thereby make a significant contribution to international law enforcement efforts.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 28, 1997.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the World Intellectual Property Organization Copyright Treaty and the World Intellectual Property Organization Performances and Phonograms Treaty, done at Geneva on December 20, 1996, and signed by the United States on April 12, 1997. Also transmitted is the report of the Department of State with respect to the Treaties.

These Treaties are in the best interests of the United States. They ensure that international copyright rules will keep pace with technological change,

thus affording important protection against piracy for U.S. rightsholders in the areas of music, film, computer software, and information products. The terms of the Treaties are thus consistent with the United States policy of encouraging other countries to provide adequate and effective intellectual property protection.

Legislation is required to implement certain provisions of the Treaties. Legislation is also required to ensure that parties to the Treaties are granted, under U.S. copyright law, the rights to which they are entitled under the Treaties. That legislation is being prepared and is expected to be submitted shortly.

I recommend, therefore, that the Senate give early and favorable consideration to the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, and give its advice and consent to ratification, subject to a declaration under Article 15(3) of the WIPO Performances and Phonograms Treaty described in the accompanying State Department report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 28, 1997*.

ORDERS FOR WEDNESDAY, JULY 30, 1997

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m., Wednesday, July 30. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately proceed to a period for the transaction of morning business until the hour of 10:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator GRASSLEY, 30 minutes; Senator DASCHLE or his designee, 30 minutes.

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

PROGRAM

Mr. GORTON. Mr. President, tomorrow, following morning business, it will be the intention of the majority leader to consider S. 39, the tuna-dolphin bill. Following the 30 minutes for debate on that measure, the Senate will proceed to a vote on passage of S. 39, to be followed by a vote on passage of the Department of Transportation appropriations bill. Senators can, therefore, expect at least two rollcall votes tomorrow morning, hopefully around 11 a.m.

At noon on Wednesday the Senate will begin debate on the conference report to accompanying the Balanced Budget Act of 1997. Under the statute, there are 10 hours on debate on that conference report. And as always, Members will be notified as to when that rollcall can be expected.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 6:14 p.m., adjourned until Wednesday, July 30, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 29, 1997:

DEPARTMENT OF DEFENSE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED UNDER PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 152:

To be general

GEN. HENRY H. SHELTON, 0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be lieutenant colonel

FRANKLIN D. MC KINNEY, JR., 0000

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AND ASTERISK (*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 531:

To be lieutenant colonel

RICHARD W. ALDRICH, 0000
STEVEN E. BARRETT, 0000
LAURA E. BATTLE, 0000
AMY M. BECHTOLD, 0000
BONNIE J. BLAIR, 0000
RAY T. BLANK, 0000
GARY D. BOMBERGER, 0000
WILFRED R. BRISTOL, 0000
REGINALD T. CLEVELAND, 0000
CARL P. DENNIS, 0000
ARIANE L. DESAUSSURE, 0000
JEFFRY A. DULL, 0000
THEODORE R. ESSEX, 0000
DAVID M. FILLMAN, 0000
MICHAEL A. FLEMING, 0000
GARY R. GARVEY, 0000
TERRIE M. GENT, 0000
MICHAEL PAUL HARTZHEIM, 0000
THOMAS J. HASTY, III, 0000
ROBERT S. HOCHREITER, 0000
THOMAS C. JASTER, 0000
EUGENE J. KIRSCHBAUM, 0000
JOSEPH S. KUAN, 0000
MARK R. LAND, 0000
RITA A. LEMONS, 0000
DENNIS R. LOCKARD, 0000
BYRON E. LUCKETT, JR., 0000
WILLIAM J. MARSHALL, 0000
PAUL D. MC HUGH, 0000
GERALD H. MEADER, 0000
HILARION A. MIKALOFSKY, 0000
JOSEPH L. MILLER, 0000
THOMAS J. MINOR, 0000
ROBERTA MORO, 0000
JEROME D. MUELLER, 0000
KATHLEEN L. NESSER, 0000
STEWART L. NOEL, 0000
RICHARD D. OBERHEIDE, 0000
GREGORY E. PAVLIK, 0000
MARY V. PERRY, 0000
GORDON W. PIPPIN, 0000
VINCENT J. RAFFERTY, JR., 0000
RONALD M. REED, 0000
JEFFREY L. ROBB, 0000
WARREN R. ROBNETT, 0000
DANIEL E. ROGERS, 0000
LEON E. SAVAGE, JR., 0000
KLAUS W. J. SIRIANNI, 0000
KEN J. STAVREVSKY, 0000
PAMELA D. STEVENSON, 0000
PAUL C. STEWART, 0000
LAWRENCE W. STUNKEL, 0000
STEPHEN D. SUETTERLEIN, 0000
ROBERT B. TAUCHEN, 0000
RONALD E. TODD, 0000
MALDEGHEM PAUL E. VAN, 0000
WALLY G. VAUGHN, 0000
CURTIS D. WALLACE, 0000
BRIAN J. WELSH, 0000
GEORGE A. WOLUSKY, 0000

To be major

WENDELL L. BRENNEMAN, 0000
PAUL L. CANNON, 0000
GREGORY B. CUNNINGHAM, 0000
DAVID F. CZARTORYNSKI, 0000
NORMAN DESROSIERS, JR., 0000
*IRA M. FLAX, 0000
ROBERT A. GALLAGHER, 0000
DANA E. GROVER, 0000
RICHARD M. HALL, 0000
DENNIS P. HANLEY, 0000
MARK S. HOBBS, 0000
JEFFREY A. JAMES, 0000
RAYMOND J. LAMY, 0000
MICHAEL J. LOVETT, 0000
FREDERICK MC FARLAND, 0000
ANTONIO O. MORENO, 0000
JOHN H. NOLAN, JR., 0000
STEVEN A. SCHAICK, 0000
STEVEN C. SIEFKES, 0000
MICHAEL J. STACY, 0000
DENNIS G. VOLMI, 0000
EDDIE L. WALTERS, 0000
CHERRI S. WHEELER, 0000
*ANTHONY C. WILLIAMS, 0000
*FRANK A. YERKES, JR., 0000